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APPROVAL, BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES AS RESIDENT DEPUTY DIRECTORS—ALFRED L. OPDYCKE, KARL MOHR, RALPH G. WRIGHT, R. E. BISCHOFF.

COLUMBUS, OHIO, March 7, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my consideration four bonds, each for the sum of five thousand dollars, and conditioned for the faithful performance of the duties of the principal as resident deputy director, as follows:

Alfred L. Opdycke, principal (Williams County), upon which the American Surety Company of New York appears as surety.

Karl Mohr, principal (Fulton County), upon which the Standard Accident Insurance Company appears as surety.

Ralph G. Wright, principal (Mercer County), upon which the Ohio Casualty Insurance Company appears as surety.

R. E. Bischoff, principal (Division No. 10), upon which the Etna Casualty and Surety Company appears as surety.

The above bonds are in pursuance to the provisions of Section 1182 of the General Code, which section specifically requires that resident deputy directors give bond in the amount above indicated with sureties to your approval. The bonds have been properly executed and bear your approval thereon.

It is further noted that in the official roster of the Division of Insurance all of the sureties heretofore mentioned have been duly authorized to transact business in Ohio.

In view of the foregoing, I have approved said bonds as to form and return the same herewith.

Respectfully,
GILBERT BETTMAN,
Attorney General.

163.

APPROVAL, ABSTRACT OF TITLE TO LAND OF ELIZABETH T. HUGGINS, IN THE CITY OF KENT, PORTAGE COUNTY.

COLUMBUS, OHIO, March 7, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of a communication of recent date from your department, over the signature of Herbert B. Briggs, State Architect and Engineer, submitting for my examination and approval a corrected and supplemental abstract of title of a tract of sixteen acres of land in the city of Kent, Portage County, Ohio, standing of record in the name of Elizabeth T. Huggins. With said abstract of title there was submitted to me a warranty deed, Encumbrance Estimate No. 3100, and Controlling Board Certificate relating to the purchase of said land.

Subsequent to the rendition of Opinion No. 2983 of this department directed to

you under date of December 6, 1928, proceedings were instituted by Elizabeth T. Huggins in the Common Pleas Court of Portage County to correct certain defects in the title to this tract of land, noted in said former opinion. These proceedings to correct the title of Elizabeth T. Huggins in and to said tract of land were and are in all respects regular and in my opinion the same were effective to cure whatever defects there were in the title of Mrs. Huggins to this land.

I am, therefore, of the opinion that said Elizabeth T. Huggins has a good and merchantable title in fee simple to said tract of land, subject only to an outstanding lease now held by one R. E. Kingsley and to any taxes that may be unpaid and a lien on said tract of land.

The abstract shows that under date of December 10, 1927, Elizabeth T. Huggins executed and delivered to said R. E. Kingsley a lease to said tract of land and the appurtenances thereof for a term of two years, which lease provided that within two years from January 1, 1928 the said Elizabeth T. Huggins should sell and convey said land to the said R. E. Kingsley.

The abstract shows that the taxes for the year 1927 have been paid, but I am unable to determine from the certificate made by the abstractor to the corrected abstract whether the taxes for the year 1928 have been paid or not. The facts in regard to this matter should, of course, be ascertained before the transaction relating to the purchase of this land is closed by your department.

The taxes for the year 1928, or so much thereof as remains unpaid, are a lien on the land and some adjustment of this matter should be made so that the state may obtain a fee simple title to this land free and clear of all encumbrances.

With respect to the outstanding lease held by said R. E. Kingsley, I note that he joins with said Elizabeth T. Huggins in the granting clause of the warranty deed executed by said parties to the State of Ohio. I am of the opinion that this action on the part of said R. E. Kingsley has the effect of conveying to the state all right, title and interest held by him by virtue of said lease. However, as to this I suggest that when the transaction relating to the purchase of this land is closed by your department the said R. E. Kingsley be required to cancel said lease and turn same over to you and that the same be then filed in the office of the State Auditor with the other papers relating to this matter.

With regard to the suggestion made that two vouchers be issued for the purchase price of this property, one for \$10,000 in favor of Elizabeth T. Huggins, and one for \$4,500 in favor of R. E. Kingsley, I think this is a detail which should be left to the State Auditor. I suggest, however, that if this is done a receipt be taken from each of said parties in full settlement and acquittance of their respective claims on the purchase price of this property.

An examination of the Warranty Deed submitted shows that the same has been signed and otherwise properly executed by said Elizabeth T. Huggins and R. E. Kingsley and that the same is in form sufficient to convey to the State of Ohio a fee simple title in and to said land, free and clear of all encumbrances whatsoever.

An examination of Encumbrance Estimate No. 3100 submitted with said abstract and deed shows that the same is properly executed and that there is a sufficient balance in a proper appropriation account to pay the purchase price of said land.

You likewise submitted a copy of a certificate and statement made under date of May 21, 1928, showing that the sum of \$15,000.00 was released to the Controlling Board for the purchase price of this tract of land.

I am herewith returning to you said corrected abstract of title, Warranty Deed, Encumbrance Estimate, Controlling Board Certificate, and the other files submitted to me with your communication above referred to.

Respectfully,
GILBERT BETTMAN,
Attorney General.