

2028.

APPROVAL, ABSTRACT OF TITLE TO LAND OF DAISY WILKINS DAVIS,  
IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, April 28, 1928.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—You recently submitted to me for my examination and opinion, an abstract of title certified by the abstracter under date of March 15, 1928, and a warranty deed signed by Daisy Wilkins Davis and husband, covering the following described real estate situated in Nile Township, Scioto County, Ohio:

“And being the NORTHEAST QUARTER of Ohio State University Lot No. 115.

The said O. S. U. Lot No. 115 being described, as follows, to-wit:—

BEGINNING at a stake in the South line of O. S. U. Lot No. 9 and NE corner of Lot No. 116;

Thence with one line of Lot No. 116, S. 280.19 poles to a stake in the North line of Lot No. 117;

Thence with one line of Lots No. 117 and No. 118, East 286 poles to a stake in the West line of Survey No. 15881 and NE corner to Lot No. 118;

Thence with one line of said Survey, North, 280.19 poles to a stake;

Thence West 286 poles to the beginning;

CONTAINING 500 acres.

The NORTHEAST QUARTER thereof CONTAINING 125 acres.

Being the same premises that was heretofore conveyed by Lou K. McCalla, a widow, of Los Angeles County, California, to said DAISY WILKINS DAVIS by deed dated September 14, 1911, and recorded in Deed Book No. 178 at page No. 384 of the Scioto County, Records of Deeds.”

From my examination of the abstract submitted, I find that said Daisy Wilkins Davis has a good and merchantable fee simple title to the above described lands and premises, free and clear of all liens and encumbrances except the taxes for the year 1928, the amount of which is as yet undetermined. These taxes are a lien upon the premises.

I have examined the warranty deed submitted and find that the same is signed and otherwise properly executed and acknowledged by said Daisy Wilkins Davis and her husband, Frank A Davis, and that the same is in form sufficient to convey to the State of Ohio a fee simple title to the above described lands, free and clear of all encumbrances whatsoever.

You submit with said abstract and deed encumbrance estimate No. 3386 relating to the purchase of the above described property. This encumbrance estimate shows that there are unencumbered balances in the appropriation account sufficient to pay the purchase price of this property. I note however, that although said encumbrance estimate is duly signed by the Bursar and by the Director of the Department, the same has not been signed by the Director of Finance, who alone is authorized to certify that there are unencumbered balances legally appropriated sufficient to pay for this property. The approval of this department of the proceedings relating to the purchase of the above described lands is therefore subject to the condition that the signature of the Director of Finance to said encumbrance estimate be secured.

You likewise submit a copy of a certificate over the signature of the Secretary of the Controlling Board showing that the purchase of this property has been approved by said board.

I am herewith returning to you said abstract, deed, encumbrance estimate and the Controlling Board's certificate.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2029.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF ROBERT W. TURPIN,  
IN THE VILLAGE OF NEWTOWN, HAMILTON COUNTY, OHIO.

COLUMBUS, OHIO, April 28, 1928.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—There has been submitted to me for my examination and approval an abstract of title and warranty deed executed by Robert W. Turpin, covering certain property located in the village of Newtown, Hamilton County, Ohio, and more particularly described as follows:

“The west thirty two (32) feet off of Lot number seven (7), Lots numbered eight (8), nine (9) and ten (10) of James Taylor's subdivision, Newtown, plat of which subdivision is recorded in Deed Book 81, page 266, of the records of Hamilton County, Ohio, said lots lying between Taylor and Willow Streets, as shown on said plat; specifically reserving, however, a perpetual right of way for ingress and egress over the west thirty (30) feet of said Lot numbered ten (10) to Edwin J. Turner, his heirs and assigns, and to the heirs of Rebecca K. Turpin, deceased, their heirs and assigns.

Also outlot numbered two (2) of said James W. Taylor's subdivision, Newtown, plat of which is recorded in Deed Book 81, page 266, of the records of Hamilton County, Ohio; said outlot Number two (2) being also the same and known as Parcel Number six (6) set off to grantor herein, in partition proceedings of the estate of Kate D. Turpin, deceased, in the Common Pleas Court of Hamilton County, Ohio, number 107, 209 on the docket of said court; specifically reserving, however, a perpetual right of way for ingress and egress over the south thirty (30) feet of said outlot numbered two (2) of said Taylor's subdivision, to heirs of R. K. Turpin, their heirs and assigns, and to Edwin J. Turner, his heirs and assigns.”

Upon examination of the abstract submitted, I am unable to approve the same or to find that said Robert W. Turpin has a good and merchantable fee simple title to the premises above described. In the first place, the early history of the title to these premises, as disclosed by the abstract, is very defective in this, that the description of the property conveyed in the early deeds as abstracted is so meager and indefinite that it is impossible to say whether or not the lands thereby conveyed embrace the premises here under investigation or not. Assuming, however, that Thomas Brown, by reason of prior conveyances, owned at the time of his death in 1805 lands which included the premises here under investigation, there is a complete break in the chain of title down to 1845, when one Daniel Jones assumed to convey the second tract of