

1568.

APPROVAL, ABSTRACT OF TITLE TO LAND IN GRAND RAPIDS
TOWNSHIP, WOOD COUNTY, OHIO.

COLUMBUS, OHIO, September 15, 1933.

HON. EARL H. HANEFELD, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication from the division of conservation in your department, submitting for my examination and approval an abstract of title, warranty deed, encumbrance record No. 13, controlling board certificate and other files relating to the proposed purchase of what is known as the Mary J. Thurston tract of land in Grand Rapids Township, Wood County, Ohio, which tract is more particularly described as follows:

Being 15.59 acres of land, more or less, north of I. C. H. No. 285 State Highway No. 65; U. S. Highway No. 24, in the west-half of Section 7, Town 5 North, Range 9 East, Grand Rapids Township, Wood County, Ohio: Beginning at the intersection of the north and south-half section line and the center line of said I. C. H. No. 285; thence North 1 deg. 41' West, on the said half section line, 610.2 feet to the State property line of the Grand Rapids Feeder; thence North 85 deg. 16' West, 606.7 feet to a point; thence North 7 deg. 39' East, 27.7 feet to a point in the center line of the dike on the bank of the Maumee River; thence North 84 deg. 50' West, 310.5 feet to the point of intersection of the west line of the Mary Jane Thurston tract and the water line of the Maumee River; thence South 2 deg. 17' West, 858 feet to the center line of said I. C. H. No. 285; thence North 84 deg. 54' East, 550 feet, to a point; thence along said center line on a 9 deg. curve to the left which radius is 637.28; 103.33 feet to a point; thence North 72 deg. 10' East, 284.55' to the place of beginning and containing 15.59 acres of land—excepting therefrom the following described tract of land lying in the southeasterly corner of the above tract of land. Beginning at the intersection of the north and south half section line of said Section 7, and the center line of I. C. H. No. 285; thence North 1 deg. 41' West on said one-half section line, 200 feet to an iron pipe; thence South 72 deg. 10' West, 350' to an iron pipe; thence South 1 deg. 41' East, parallel to said half section line, 197.3 feet to the center line of said I. C. H. No. 285; thence along the arc of a 9 deg. curve to be left on a radius of 657.28' and is tangent at the last named point to a line which bearing is North 77 deg. 57' East, 64.29'; thence North 72 deg. 10' East, 284.53' to the place of beginning and containing 1.54 acres, more or less.

Upon examination of the abstract of title submitted, which abstract is certified by the abstracter under date of August 10, 1933, I find that said Mary J. Thurston died while negotiations were proceeding for the purchase of this property by the state and that the title to said property is now owned and held as tenants in common by A. N. Thurston, Glenna T. Davis, Leura Nyswander, Junia Heller, Eunice Tonjes, Dot Card and A. E. Thurston, children and only heirs at law of said Mary J. Thurston, I further find from an examination of this abstract

that the children and heirs at law of Mary J. Thurston, above named, own and hold the fee simple title to said property free and clear of all encumbrances except the inchoate dower interests of their respective spouses, and the undetermined taxes on this property for the year 1933. These taxes are now a lien upon this property but inasmuch as this lien for taxes is a lien of the state, the same will become merged in the fee simple title by which the state will own and hold these lands upon acceptance of the deed tendered by the above named owners and holders of this land, and the state will then hold this property free and clear of all encumbrances whatsoever.

Upon examination of the warranty deed tendered by the above named children and heirs at law of Mary J. Thurston who as tenants in common are now the owners and holders of the title to this property, I find that the deed has been properly executed and acknowledged by said persons as owners of this property and by their respective spouses who, by joining in the granting clause of the deed as well as by the express release, have relinquished their respective dower interests in this property.

I am accordingly approving said abstract of title and warranty deed. An examination of contract encumbrance record No. 13, submitted as a part of the files relating to the purchase of this property, shows that the same has been properly executed and that there are sufficient unencumbered balances in the proper appropriation account to pay the purchase price of this property, which purchase price is the sum of eight hundred dollars. I further find that the money necessary to pay the purchase price of this property has been released by the board of control as required by the provisions of the appropriation act.

I am herewith returning to you said abstract of title, warranty deed, encumbrance record No. 13 and other files relating to the purchase of this property, with my approval; and upon this approval I recommend that a voucher be issued covering the purchase price of the property.

Respectfully,
JOHN W. BRICKER,
Attorney General.

1569.

MARION MUNICIPAL COURT—MAY ISSUE WARRANTS TO MARION COUNTY SHERIFF WHERE LAWS OF STATE ALLEGEDLY VIOLATED—PAYMENT OF SHERIFF'S FEES THEREFOR.

SYLLABUS:

1. *The Municipal Court of Marion may issue warrants directed to the sheriff of Marion County where the offense charged it is a violation of the laws of the state. The sheriff serving such processes is entitled to the statutory fees for such services which are to be paid into the county treasury. Opinion No. 859, rendered May 22, 1933, discussed and distinguished.*

2. *Wholly salaried minor court officers by virtue of section 3017, General Code, are entitled to receive in state cases from the county treasury the actual necessary expenses incurred by them in executing warrants to arrest, orders of commitment or other processes. When such expenses are collected from the defendant or from the state, they should be paid into the county treasury.*