

1583.

APPROVAL, ABSTRACT OF TITLE, PREMISES SITUATED IN FRANKLIN COUNTY, COLUMBUS, OHIO, LOTS NUMBERS FIFTY-SIX AND FIFTY-SEVEN, WOOD BROWN PLACE ADDITION.

COLUMBUS, OHIO, September 22, 1920.

HON. CARL E. STEEB, *Secretary Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR:—You have recently submitted an abstract, last continued by John K. Kennedy, attorney-at-law, September 16, 1920, inquiring as to the status of the title to the following described premises:

Situate in the county of Franklin, in the state of Ohio, and in the township of Clinton, being lots number fifty-six (56) and fifty-seven (57) of Wood Brown Place addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 196, recorder's office, Franklin county, Ohio.

After a careful examination it is believed that said abstract shows the title to said premises to be in the heirs of William Wightman on September 16, 1920, the date of the last continuation, free from incumbrances excepting as hereinafter noted.

On page 13 a suit is shown which was pending in the court of common pleas in 1898 wherein Thomas Wightman, one of the original owners of part of the premises, is, with sixty-three others, named as plaintiff; also, on the same page of the abstract, in the case of John H. Lynch vs. Thomas Wightman a judgment for \$7.80 and costs is shown against the defendant; also, on page 14, a suit is shown wherein Thomas Wightman was defendant, and another in which he was one of the plaintiffs. In the former, the abstract discloses that a petition was filed in a foreclosure proceeding, and it further appears that a judgment decree and order for sale against the defendant for \$61.44 was rendered March 30, 1899. The latter, it appears, was dismissed April 9, 1900 at costs of plaintiffs, without record.

In view of the foregoing, you should satisfy yourself that the status of these suits is such that no liens would result affecting the title to these premises. In this connection you are referred to the last continuation by Mr. Kennedy, wherein he certifies that there are now no pending suits or judgments affecting the title to said premises. This statement, of course, necessarily implies that in the opinion of the abstractor all of the suits above mentioned have been disposed of in such a way as to prevent their becoming a lien upon the premises. The taxes for the year 1920 are unpaid and a lien. The abstract discloses that there was no examination made in any of the United States courts.

It further appears from the abstract that a partition proceeding was begun in the court of common pleas by Gladys Jones, Plaintiff, vs. Emma Linley, Bertha Wightman, Marie Wightman, and Alva Jones, the parties to said suit being the lawful heirs of William Wightman, who died intestate. The record of this proceeding, as set forth, shows that the premises under investigation were sold at public auction on September 11, 1920 to Carl E. Myers. In view of said proceedings as disclosed by the abstract, it is believed that when the proper entry is made by the court confirming said sale, the purchaser pays the purchase price, and the deed is properly executed and delivered to said purchaser by the sheriff that the said Carl E. Myers will acquire all of the title to said premises which is vested in the heirs of William Wightman.

Respectfully,
JOHN G. PRICE,
Attorney-General.