

2421.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF WILLIAM TIPTON
IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, October 7, 1930.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication with which you again submit for my examination and approval an abstract of title, warranty deed, encumbrance estimate, controlling board certificate and other files relating to the proposed purchase of a tract of land of one hundred and nine acres owned of record by one William Tipton, Nile Township, Scioto County, Ohio, which tract of land is more particularly described in Opinion No. 1738, directed to you under date of April 5, 1930.

In the former opinion of this office, above referred to, the title of said William Tipton to the tract of land here in question was disapproved on account of the objections set out in said opinion, which objections were therein noted as exceptions to the title of said William Tipton to said tract of land.

The abstract of title of said tract of land now submitted to me is the identical abstract of title which was formerly examined by me and upon which the opinion to you, above noted, was written. There is nothing in said abstract of title or other files accompanying the same which shows that any proceedings or other action was taken to correct any of the objections noted in said opinion. The additional lapse of time since said former opinion was written has effected a statutory bar to the assertion of any rights under the mortgage executed by Emma Wallace to Z. M. Caudle under date of March 2, 1909, which mortgage was for the purpose of securing a promissory note of said Emma Wallace in the sum of one hundred and thirty-five dollars (\$135.00) due and payable four months after the date of said note and mortgage. Said mortgage is noted in my former opinion as the second exception in said opinion to the title of William Tipton in and to this property.

However, all of the other objections noted in said former opinion as exceptions to the title of William Tipton to this tract of land still persists; and in this situation I do not feel that I can dispose of this matter otherwise than by disapproving said title and the abstract by which the same is shown. I am herewith returning to you, without approval, said abstract of title, and with said abstract of title I am enclosing the warranty deed, encumbrance estimate No. 122, controlling board certificate and other files relating to this matter.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2422.

APPROVAL, ABSTRACT OF TITLE TO LAND OF HENRY APEL, IN THE
CITY OF BOWLING GREEN, WOOD COUNTY, OHIO.

COLUMBUS, OHIO, October 7, 1930.

HON. H. B. WILLIAMS, *President, State Normal College, Bowling Green, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication with which you submit for my examination and approval an abstract of title which has

been corrected by the abstracter in accordance with certain suggestions made in my letter to you under date of June 30, 1930.

With said abstract of title you have submitted to me a deed conveying this property to the State of Ohio, and encumbrance estimate No. 3.

Said abstract of title, which is certified by the abstracter under date of October 2, 1930, relates to a certain parcel of real estate situated in the city of Bowling Green, Wood County, Ohio, which was owned of record by one Henry Apel, now deceased, and which was recently sold to the State of Ohio pursuant to proceedings in the Probate Court of Wood County for the sale of said property for the purpose of paying the debts of said decedent. The real property here in question is more particularly described as follows:

“Commencing at a stone monument in the center of the road 29 rods west of the southeast corner of Out Lot Number 92 to the City of Bowling Green, Wood County, Ohio, thence North 22 rods to a stone monument; thence East Seven and one-fourth rods; thence south 22 rods; thence west seven and one-fourth rods to the place of beginning, containing one acre of land, more or less.”

On examination of said abstract of title, I find that said Henry Apel had a good and indefeasible fee simple title to the above described property at the time of his death on or about the 16th day of April, 1926, and inasmuch as the proceedings in the Probate Court of Wood County for the sale of this property instituted therein by Mary C. Apel as administratrix of his estate appear to be in all respects regular, I am of the opinion that the deed of said administratrix, which has been tendered by said Mary C. Apel as administratrix of the estate of Henry Apel, deceased, will be effective to convey the above described property to the State of Ohio, by fee simple title, free and clear of all encumbrances whatsoever, except the undetermined taxes for the year 1930. In this connection, it is to be said that I have carefully examined said deed, and find that the same has been properly executed and acknowledged in the manner provided by law, and that it contains all of the recitals required and ordinarily found in deeds of this kind, and, as above noted, the form of said deed is otherwise such that the same will be effective to convey said property to the State of Ohio by fee simple title.

Said abstract of title and the deed of the administratrix of the estate of Henry Apel accompanying the same are hereby approved.

Upon examination of encumbrance estimate No. 3 which has been submitted as a part of the files relating to the purchase of the above described property, I find that the same has been properly executed and approved and that there is an unencumbered balance in the proper appropriation account sufficient to pay the purchase price of said property, which purchase price is the sum of \$600.00.

I do not find in the files submitted to me any certificate showing the release by the Controlling Board of the money necessary to pay the purchase price of this property. However, said encumbrance estimate contains a recital that the purchase of this property for said amount of money was approved by the Controlling Board under date of August 5, 1929, and I shall, for the purposes of this opinion, assume that said recital is correct.

I am herewith returning to you said abstract of title, deed and encumbrance estimate as well as my letter to you under date of June 30, 1930, which is properly a part of your files.

Respectfully,

GILBERT BETTMAN,

Attorney General.