

said appropriation account to pay said purchase price of this and the other two lots above mentioned.

In connection with said appropriation, there has been submitted to me a copy of a resolution adopted by the Controlling Board under date of August 5, 1929, releasing from said appropriation the sum of \$25,000.00 for the purpose of purchasing the lot here under investigation, as well as other lots and properties desired for the use of Ohio State University.

I am herewith returning to you said abstract of title, warranty deed form and encumbrance estimate.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

1012.

APPROVAL, SIX GAME REFUGE LEASES.

COLUMBUS, OHIO, October 9, 1929.

HON. J. W. THOMPSON, *Division of Fish and Game, Columbus, Ohio.*

DEAR SIR:—You have submitted the following leases relating to state game refuge:

<i>No.</i>	<i>Lessor</i>	<i>Acreage</i>
2054	William M. Stitt, Wood County, Liberty Township-----	200
2034	Robert G. McConnell, Warren County, Washington Township----	190
2029	J. M. Squibb, Guernsey County, Cambridge Township-----	80
2028	Ray Bates, Guernsey County, Cambridge Township-----	125
2030	J. M. Squibb, Guernsey County, Cambridge Township-----	160
2035	Bruce Fisher, Warren County, Washington Township-----	100

I have found the above leases to be in proper legal form and am returning them herewith with my approval endorsed thereon as to form.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

1013.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF GEORGE W. HARDIMAN IN CITY OF COLUMBUS, FRANKLIN COUNTY.

COLUMBUS, OHIO, October 9, 1929.

HON. CARL E. STEEB, *Business Manager, Ohio State University, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of an abstract of title, warranty deed form and encumbrance estimate No. 5640, relating to the proposed purchase of Lot No. 9 of Critchfield and Warden's subdivision of the south half of the north half of Lot No. 278 of R. P. Woodruff's Agricultural College Addition, as the same is num-

bered and delineated upon the recorded plat thereof, of Record in Plat Book 4, page 234, Recorder's Office, Franklin County, Ohio.

An examination of the abstract of title submitted shows that George W. Hardiman, the owner of record of said property, has a good and merchantable fee simple title to the same, subject to the following exceptions:

1. On June 11, 1927, one John G. Tate, then the owner of said lot, executed and delivered to The Columbian Building and Loan Company, a mortgage on said lot and on Lot No. 8 in said subdivision, in and for the sum of \$750.00, to secure the payment of his note of even date therewith. This mortgage has not been satisfied of record and the same, to the extent of the amount remaining unpaid thereon and on the note secured thereby, is a lien on said premises.

2. It is shown by the abstract that the taxes for the year 1928, amounting to \$7.85, as well as the penalty thereon, are unpaid and a lien upon said lot; likewise the undetermined taxes for the year 1929 are a lien on said premises.

In addition to the foregoing exceptions, it is noted that on December 7, 1928, an entry was made on the duplicate of the auditor of Franklin County, showing a transfer of this property to one Olaf B. Hardiman, although as noted in said abstract there is of record no deed conveying this property to said Olaf B. Hardiman. Inasmuch as under the provisions of Section 8543, General Code, the acceptance by the State of Ohio of a deed from George W. Hardiman, conveying to the State the property here under investigation, will protect the state as the purchaser of said lot only as against former unrecorded deeds, of which the purchaser has no knowledge, and inasmuch as our knowledge of the transfer of this property to the name of Olaf B. Hardiman on the auditor's tax duplicate may be held to impute knowledge of the existence of such outstanding unrecorded deed to the authorized officers of the State charged with the duty of closing the transaction relating to the purchase of this property, it is deemed advisable that an investigation be made with respect to the existence of said deed apparently held by Olaf B. Hardiman, and that a quit claim deed of his interest in this property be secured.

As above noted, there has been submitted to me among the files relating to the purchase of said lot a deed form of a warranty deed to be signed by said George W. Hardiman, conveying the lot here under investigation to the State of Ohio. This deed form has not yet been executed as a deed by said George W. Hardiman, but when the same is signed and is acknowledged and otherwise properly executed by him, it will be sufficient to convey to the State of Ohio a fee simple title to said Lot No. 9 and of Lots Nos. 6 and 8 in said Critchfield and Warden's subdivision.

The deed form contains a covenant that the premises are free and clear of all encumbrances whatsoever except taxes and assessments due and payable on and after June, 1930. From this it may be inferred that it is the intention of the proposed grantor to pay off the liens upon this lot from the purchase money to be paid to him by the State for said Lot No. 9 and for said Lots 6 and 8 of Critchfield and Warden's subdivision. Care should be taken, of course, to see that said deed is properly executed and acknowledged by said George W. Hardiman before the transaction relating to the purchase of the lots described in said deed is closed.

Encumbrance estimate No. 5640 shows that there are available funds in the appropriation account to pay the purchase price of the lot here under investigation and of the other lots above mentioned.

In this connection it may be further noted that under date of August 5, 1929, the Controlling Board released from the appropriation made by the 88th General Assembly to the Ohio State University for the acquisition of lands and betterments, the sum of \$25,000 for the purchase of this and other lots and properties desired by the state for the use of the Ohio State University.

I am herewith returning to you said abstract of title, warranty deed form and encumbrance estimate No. 5640.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

1014.

APPROVAL, ABSTRACT OF TITLE TO LAND IN THE CITY OF XENIA,  
GREENE COUNTY—ARMORY SITE.

COLUMBUS, OHIO, October 9, 1929.

HON. A. W. REYNOLDS, *Adjutant General of Ohio, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication submitting for my examination and approval abstract of title, supplemental abstract of title, and deed relating to a tract of real property situated in the State of Ohio, County of Greene, City of Xenia, in Survey No. 2243, and being more particularly described as follows:

“Beginning at the northwest corner of Lot No. 12 of Block No. 7 of F. W. Dodds' Addition to the City of Xenia; thence with the west line of said lot No. 12 and the east line of Detroit Boulevard south 20 feet to a point in said west line of said lot; thence at right angles to the west line of said lot 16 feet to the point of beginning of the following description; thence southwardly parallel and 16 feet east of the west line of Lots No. 12 and Lot No. 1, 289 feet to a point 35 feet north of the north line of Park Drive; thence in a northeasterly direction parallel with the north line of Park Drive and 30 feet from the same 444 feet to a point; thence in a northwesterly direction 29 feet to a point 20 feet south of the south line of Weaver Street; thence in a westerly direction parallel with the south line of said Weaver Street and 20 feet south of the same 340 feet to the beginning of this description, containing 54,444 sq ft. The above described tract is part of Lots Nos. 1-2-3-4-5-6-7-8-9-10-11-12 of Block No. 7 of Frank W. Dodds Second Addition to said city as recorded in Plat Book No. 2, Page — of Greene County Plat Records.”

The supplemental abstract of title above referred to, which is certified by the abstractor under date of September 13th, 1929, covers a number of steps and proceedings taken for the purpose of correcting a number of objections that were noted by me in the examination of the original abstract of title submitted, as well as certain proceedings whereby the City of Xenia obtained title to Lots Nos. 1 to 12, inclusive, of Block No. 7 of Dodds' Second Addition to the City of Xenia, Ohio, and the ordinance of said city authorizing the mayor and auditor of said city to execute a deed conveying the above described property to the State of Ohio for state armory purposes. An examination of this supplemental abstract of title, relating to the property here under investigation, shows that all of the objections noted by me in my examination of the original abstract of title and set out in Opinion No. 752 directed to you under date of August 16th, 1929, have been obviated by corrections made as suggested in said former opinion.

I am therefore of the opinion that the City of Xenia has a good and indefeasible fee simple title to the above described property.

Under the provisions of Section 3631, General Code, a municipal corporation is