

1569.

APPROVAL—ABSTRACT OF TITLE, WARRANTY DEED, ETC.,  
RELATING TO PURCHASE OF A PARCEL OF LAND IN  
THE CITY OF ATHENS, ATHENS COUNTY, OHIO, FOR  
USE BY THE OHIO UNIVERSITY.

COLUMBUS, OHIO, December 1, 1937.

MR. GEORGE C. PARKS, *Treasurer, Ohio University, Athens, Ohio.*

DEAR SIR: You have submitted for my examination and approval an abstract of title, warranty deed and other files relating to the purchase by the President and Trustees of Ohio University from one M. T. Ellis of a parcel of real estate situated in the city of Athens, county of Athens, and State of Ohio, which is a part of Inlot No. 60 in said city and which is more particularly described as follows:

Beginning at the Southwest corner of said In Lot; thence North on the west line of said In Lot Sixty to a point thirty-five (35) feet from the Northwest corner of said In Lot; thence East on a line parallel to the north line of said In Lot Forty (40) feet; thence South on a line parallel to the West line of said In Lot to President Street; thence West on the north line of President Street Forty (40) feet to the place of beginning.

Together with the right of way for all the purposes of an Alley over six feet off the west side of the part of In Lot No. Sixty adjoining said premises on the East and subject to the right of way for all the purposes of an Alley over four feet off the east side of the above described part of said In Lot.

Upon examination of the abstract of title submitted, the last certification of which is made under date of August 20, 1937, and by reference to a deed abstracted in the abstract of title submitted with respect to the Mae V. Bethel property, by which deed one Hull Foster and Maria Foster, his wife, under date of April 3, 1854, conveyed to John Brown and William L. Brown in trust for the use and benefit of Adaline S. Brown and her heirs and assigns, among other property, thirty-three feet in width off of the south side of Inlot No. 60, I find that at the time of the certification of said abstract said M. T. Ellie had a good merchantable title to the above described tract of land and that by the deed executed and delivered by him to the President and Trustees of

Ohio University under date of August 16, 1937, said President and Trustees of Ohio University, as a corporation, obtained an absolute fee simple title to the property free and clear of all encumbrances whatsoever.

Upon examination of the warranty deed executed by said M. T. Ellis, as aforesaid, I find that the same has been properly executed and acknowledged by him and that the form of this deed is such that the same is sufficient, as above stated, to convey the above described property to the grantee therein by an absolute and unconditional fee simple title.

From a communication directed by you to Hon. Joseph T. Ferguson, Auditor of State, under date of October 26, 1937, I am advised that you are acquiring this property under the authority conferred upon you for this purpose by House Bill No. 51, effective June 19, 1937, which act has been carried into the General Code as Section 7931-2. I am also advised that the purchase price of this property, amounting to the sum of \$8500.00, is to be paid out of moneys borrowed by the President and Trustees of Ohio University under the authority of said act. In this connection, you submitted to the Auditor of State a certificate over the signature of the Cashier of The Athens National Bank stating that you as Treasurer of Ohio University have deposited the sum of \$15,500.00 to the credit of Ohio University Dormitory Fund. Although this certificate does not so state, it appears that the purchase price of this property is to be paid out of this fund deposited with said bank for this purpose. In this view, the provisions of Section 2288-2, General Code, do not apply to this transaction and no contract encumbrance record or certificate executed under the authority of this section is required.

I am herewith returning to you said abstract of title, warranty deed and the other files herein referred to.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*