

1564.

APPROVAL, ABSTRACT TO PREMISES SITUATED IN FRANKLIN COUNTY, OHIO, LOT TWENTY-SIX OF R. P. WOODRUFF'S AGRICULTURAL COLLEGE ADDITION.

COLUMBUS, OHIO, September 11, 1920.

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

DEAR SIR:—You have recently submitted an abstract which was last continued on September 4, 1920, by John K. Kennedy, attorney, requesting my opinion relative to the status of the title as disclosed by said abstract to the following described premises:

Situated in the state of Ohio, county of Franklin, and city of Columbus, and being lot number twenty-six (26) of R. P. Woodruff's subdivision of the south half of the south half of lot number two hundred seventy-eight (278) of R. P. Woodruff's Agricultural College addition as the same is numbered and delineated on the recorded plat thereof, of record in Plat Book No. 3, page 421, recorder's office, Franklin county, Ohio.

While there are some imperfections in the chain of title in the early transfers, I find that in Opinion No. 1451 (Opinions of Attorney General, 1918, Vol. II, p. 1173), my predecessor approved the title to the premises in the same plat, as the premises under investigation, which necessarily implies that the title to the premises under investigation has heretofore been approved down to the time said premises were conveyed by W. H. Barbee, sheriff, to William Cheek and Emerson Gould on May 4, 1887, as disclosed on page 58 of the abstract. Therefore, it seems unnecessary to critically examine the copy of the record previously shown in said abstract.

After careful consideration it is my opinion that said abstract, together with the continuations thereto, shows the title to said premises to be in the name of Lorenzo D. Hagerty on September 4, 1920, the date of the last continuation, subject to the possible incumbrance hereinafter set forth.

On page 73 of the abstract, in the case of the Columbus Savings and Trust Company vs. Mary Bradfield, et al., the petition was filed April 26, 1902, in the court of common pleas of Franklin county, and on the same day another suit was filed entitled the same. Both suits are shown to be the same, with the exception of their numbers, which are 44,324 and 44,325. It is not shown that any further action was taken, and in the continuation of Adolf Haak and Company, dated November 19, 1907, the following statement appears: "In cases Nos. 44,324 and 44,325 noted in preceding abstract, no lien has resulted." Further, on page 79, in the case of Charles A. Henderson vs. Graham Jordan, in the common pleas court, execution No. 50,187, a judgment for \$153.07 with \$5.25 costs is shown against the defendant, who was one of the owners of said premises. It does not appear where, if ever, this judgment was satisfied. However, in the last continuation Mr. Kennedy certifies that "there are no unsatisfied judgments or suits pending in either the court of common pleas or the court of appeals of Franklin county, Ohio, against any person whomsoever in any way affecting the premises described at the title page"; and further, by personal conversation with Mr. Kennedy, it has been learned that he made an examination of the records relative to the suits above referred to, and made his statement in his certificate with reference to suits shown in the preceding parts of said abstract. In view of this situation it is believed that the

foregoing reference to possible incumbrance need not be regarded as a serious objection.

However, it is further called to your attention that the last continuation discloses a suit pending in the court of common pleas of Franklin county, the title of which is: "Phillip L. Schneider, plaintiff, vs. F. Dell Sullivan, L. D. Hagerty, et al., Defendants." This is described as an action to marshal liens on the property of the defendant Sullivan. The petition was filed May 8, 1920. Also, another suit is shown to be pending in the court of common pleas, entitled: "Harriet L. Glass, Plaintiff, vs. W. S. Courtright, et al., Defendants." According to the abstract, this suit was filed June 12, 1912, and is an action for equitable relief against defendant Courtright and many others in connection with the affairs of The Union National Bank. L. D. Hagerty was later made a party.

The abstract does not show that any further action has been taken in connection with either of said suits since the filing of the petition. From the information in the abstract it is impossible to advise as to what extent said suits may affect the title to the premises under consideration. Before purchasing said premises, you should satisfy yourself as to the status of these suits relative to the extent of the lien upon the premises in the event that a judgment is obtained against the defendant, who is now the present owner of the premises. However, if it be advantageous to the state to purchase said premises and the grantor is willing to warrant the title, it is suggested that you may consider the financial responsibility of the grantor in connection with the objections above noted.

The taxes for the year 1920 are unpaid and a lien. The abstract does not show that any examination was made in any of the United States courts.

Respectfully,
JOHN G. PRICE,
Attorney-General.

1565.

APPROVAL, ABSTRACT OF TITLE, PREMISES SITUATED IN FRANKLIN COUNTY, OHIO, LOTS TWELVE AND THIRTEEN, R. P. WOODRUFF'S AGRICULTURAL COLLEGE ADDITION.

COLUMBUS, OHIO, September 14, 1920.

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

DEAR SIR:—You have recently submitted a partial abstract, certified by John K. Kennedy, attorney, requesting my opinion as to the status of the title to the following described premises as disclosed by said abstract:

Situate in the county of Franklin, in the state of Ohio, and in the city of Columbus: Being lots number twelve (12) and thirteen (13) of R. P. Woodruff's subdivision of the south half of the south half of lot number two hundred seventy-eight (278) of R. P. Woodruff's Agricultural College addition to the city of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 421, Recorder's Office, Franklin county, Ohio.

Said partial abstract goes back to May 4, 1887, the date upon which William H.