

1917.

APPROVAL, WITH RESERVATIONS, CORRECTED ABSTRACT OF TITLE, WARRANTY DEED AND CONTRACT, STATE OF OHIO THROUGH CONSERVATION COMMISSIONER AS BUREAU OF INLAND LAKES AND PARKS, PURCHASE FROM JOSEPH H. KAUFMAN, TRACT OF LAND, WASHINGTON TOWNSHIP, HENRY COUNTY, OHIO.

COLUMBUS, OHIO, February 14, 1938.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of a recent communication over the signature of the Chief of the Bureau of Inland Lakes and Parks, submitting for my examination and approval a corrected abstract of title, warranty deed, contract encumbrance record No. 10 and other files relating to the proposed purchase by the Conservation Council for and in the name of the State of Ohio of a tract of land which is now owned of record by one Joseph H. Kaufman in Washington Township, Henry County, Ohio, and which is more particularly and fully described as being the north half of the west half of the southwest quarter of Section Number Twenty-three (23) in Town Six (6) North of Range Eight (8) East in said township and county, containing forty acres of land more or less, subject to all legal highways.

Upon examination of the corrected abstract of title submitted to me, I find that said Joseph H. Kaufman has a good and indefeasible fee simple title to the above described tract of land and that he owns and holds the same free and clear of all encumbrances except the undetermined taxes on the property for the year 1937 and except special assessments for Pike No. 339 amounting, for the year 1937, to the sum of \$13.78, and, for the year 1938, to the sum of \$13.78.

Upon examination of the warranty deed executed by said Joseph H. Kaufman, an unmarried man, I find that said deed is defective in that the same is executed to the Department of Conservation of the State of Ohio as the named grantee therein, instead of to the State of Ohio, as is required by statute with respect to lands purchased by the Conservation Council. Said deed is accordingly for this reason disapproved and the same should be corrected by the grantor so that the State of Ohio will be named as the grantee in this deed without any reference whatever to the Department of Conservation. In this connection, it is noted that in the deed submitted to me

the consideration recited therein is "One Dollar and other valuable consideration." This recital should be corrected so as to set out the exact consideration for this conveyance, which consideration is the sum of \$2500.00. The new deed should, of course, be submitted to this office for approval before the transaction for the purchase of this property is closed. This requirement is made not only because it is the duty of the Attorney General to approve the form and execution of all deeds conveying property to the State of Ohio, but for the additional reason that under the provisions of Section 472, General Code, the purchase or other acquisition of property by the Conservation Council for and on behalf of the State is subject to the approval of the Attorney General; which approval is most conveniently evidenced by his endorsement of such approval upon the deed.

Upon examination of contract encumbrance record No. 10, I find that the same has been executed in the manner provided by law and that there is shown thereby a sufficient balance in the appropriation account to the credit of the Division of Conservation for the purchase of this property to pay the purchase price thereof, which purchase price is the sum of \$2500.00.

I further find that the purchase of this property has been duly authorized by the Conservation Council by a resolution duly adopted by said Council under date of October 27, 1937, as is evidenced by a copy of said resolution which has been submitted to me as a part of the files relating to the purchase of this property. It also appears that the purchase of this property has been duly approved by the Controlling Board.

I am accordingly approving the title of said John H. Kaufman in and to the above described property, subject only to the exceptions with respect to taxes and assessments thereon above noted, and I am likewise approving the contract encumbrance record and other files submitted to me in connection with the purchase of this property, other than the warranty deed above referred to, which should be corrected by the grantor as above indicated.

Respectfully,

HERBERT S. DUFFY,

Attorney General.