

883.

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

COLUMBUS, OHIO, August 16, 1927.

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

DEAR SIR:—You have submitted for my opinion an abstract of title prepared by Joseph W. Mitchell, Abstractor, and by him certified under date of February 25, 1927, accompanied by the deed of Warren Dixon and May Dixon, each of whom own an undivided half interest in a one hundred acre tract, a part of lot No. 7 in the Virginia Military District No. 15874, situate in Nile township, Scioto county, Ohio, and more particularly described as follows:

Beginning at a poplar, hickory and two white oaks S. E. corner to Survey No. 15220 and S. W. corner of Survey No. 14997, and corner to Lot No. 6; thence with one line of Lot No. 6 S. 145 poles to a stone; thence E. 115 poles to a stone; thence N. 197 poles to a beech and red bud on an island in Lampblack Run, S. E. corner to Survey No. 14997; thence with one line thereof S. 68 deg. W. 128 poles to the place of beginning. Containing 123 acres.

Excepting, however, 23 acres heretofore deeded off the north end of above described, leaving the amount conveyed one hundred acres, more or less.

Being the same land conveyed by David N. Hopkins and his wife to Warren Dixon and May Dixon by deed dated September 17, 1924, and recorded in Deed Book No. 170 at page 241 of the Scioto county, Ohio, Records of Deeds.

After an examination of the abstract of title, it is my opinion that Warren Dixon and May Dixon, each of whom own an undivided half interest in said premises, have a good and merchantable title therein, subject to unpaid taxes for the last half of the tax year 1926 and the taxes levied but as yet undetermined for 1927.

The deed was executed and acknowledged by Warren Dixon and May Dixon on January 26, 1927, and recites in the granting and habendum clauses that the property is conveyed to the "State of Ohio, for the use of the Agricultural Experiment Station, Division of Forestry." The same expression appears in the premises reciting the consideration. These words in the granting and habendum clauses limit the use to which the land to be conveyed is to be put by the state, and in case it becomes necessary for the state to sell this property at some future date the limitation in question would probably be a cloud upon the title.

It is recommended that the deed be re-drafted for execution and acknowledgment, so that the grant is made to the "State of Ohio, its successors and assigns forever." The deed in other respects is in proper form and when re-drafted to conform to the above suggestions, it will, when properly delivered, be sufficient to convey said premises to the State of Ohio.

The abstract and the deed are herewith returned.

Respectfully,
EDWARD C. TURNER,
Attorney General.