

The abstract shows that no examination has been made in the United States Court and that an examination of the judgment indexes in the Clerk's and Sheriff's offices for judgment liens only goes back so far as 1910.

The form of deed submitted has not been executed, witnessed and acknowledged, and the description in so far as it takes its beginning point and courses by lands transferred by and to other persons, roads and trees is objectionable and these points and courses should be redetermined by an engineer. Until the proper description has been given, and the deed executed, I am compelled to withhold my approval of the form of this deed.

The abstract of title and form of deed are herewith returned to you.

Respectfully,
EDWARD C. TURNER,
Attorney-General.

711.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN SALEM TOWNSHIP,
JEFFERSON COUNTY.

COLUMBUS, OHIO, July 9, 1927.

HON. CHARLES V. TRUAX, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have submitted for my opinion a form of deed and the abstract of title prepared by R. G. Porter of Steubenville, Ohio, up to June 1, 1927, on the following premises owned by John Kuester, situate in the Township of Salem, County of Jefferson and State of Ohio, and bounded and described as follows:

“Being part of the Northeast Quarter of Section 23, Township 10, and Range 3, beginning at the N. W. corner of said quarter section; thence E. 1190 feet; thence S. 11° E. 638 feet; thence S. 40° W. 1850 feet to W. line of said section; thence N. 2217 feet to the beginning. Containing 34 acres, more or less.”

Upon examination of the submitted abstract, I am of the opinion that the same shows a good and merchantable title to said 34 acres in John Kuester, subject to the following:

1. The abstract traces the title to the land to Isaac Shane, who acquired the property in 1861. The next transaction concerning the property was a transfer of the same by Abraham Crabb and Mary Crabb, his wife, to W. H. Crabb under date of June 20, 1882. Subsequently, the abstract shows the title was transferred in regular order from W. H. Crabb down to John Kuester's title on April 7, 1922.

The abstracter says that a careful search of the records in Jefferson County fails to show how the property got from Isaac Shane to Abraham Crabb, and that the records fail to disclose any administration of the estate of Isaac Shane. The abstracter should be required to get definite information, by affidavits or otherwise, respecting the devolution of the property from Isaac Shane to Abraham Crabb.

2. A mortgage by John Kuester to National Exchange Bank of Steubenville under date of April 7, 1922, recorded in M. R. 87, page 378, to secure the payment of the grantor's note for \$5,000.00, payable four months after date, with interest at six per cent per annum.

3. Taxes payable in 1927, probably the June instalment of 1926 taxes, in the sum of \$29.83 are noted as unpaid.

4. The 1927 taxes, amount yet undetermined, are also a lien.

5. Two road assessments, one on the Richmond-Pravo road and the other on the Canton highway, are also noted as liens. The amounts of these assessments should be definitely stated, whether they bear interest, and the amount due each year should also be stated.

The abstract does not show that any examination has been made in the United States Court and that an examination of the judgment indexes in the Clerk's and Sheriff's offices for judgment liens only goes back as far as 1910.

The form of deed submitted has not been executed, witnessed or acknowledged, and part of the description has been interlined with a pen. This is bad form and a new deed should be drawn. Otherwise, the form of deed is correct and when properly executed, witnessed and acknowledged will transfer a good title to the land under consideration.

The abstract of title and form of deed are herewith returned to you.

Respectfully,
EDWARD C. TURNER,
Attorney General.

712.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN SALEM TOWNSHIP,
JEFFERSON COUNTY, OHIO.

COLUMBUS, OHIO, July 9, 1927.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have submitted for my opinion an abstract of title, prepared by R. G. Porter of Steubenville, Ohio, up to June 1, 1927, on the following premises owned by Linnie J. Shull, bounded and described as follows:

Being the northwest quarter of Section No. 23, Township No. 10, Range No. 3, containing 158½ acres, more or less.

This description is taken from the abstract and a more definite description cannot be given, because the deed does not accompany the abstract.

Upon examination of the submitted abstract, I am of the opinion that the same shows a good and merchantable title to said 158½ acres in Linnie J. Shull, subject to the following:

1. At the outset, I note that the description in the abstract carries this notation in the above description:

“Excepting and reserving the coal underlying 66½ acres of the above described tract, which 66½ acres of coal is located in the northeast corner of said northwest quarter of Section No. 23, and in measuring said 66½ acres of coal, the place of beginning shall be in the northeast corner of said northwest quarter, and said 66½ acres to be a square block, with the right to mine and remove the same by means of approaches from other lands.”