

S35.

ABSTRACT STATUS OF TITLE LOT No. 105 OF HAMILTON'S SECOND GARDEN ADDITION COLUMBUS OHIO.

COLUMBUS OHIO October 23 1923.

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

DEAR SIR:—An examination of an abstract of title submitted by your office to this department discloses the following:

The abstract under consideration was prepared by Adolph Haak & Co., abstracters, August 10, 1905, with continuations thereto made as follows: under date of May 23, 1906, by Barton Griffith, attorney; under date of September 26, 1922, by Carl H. Valentine, attorney; and under date of October 18, 1923, by E. M. Baldridge, attorney and pertains to the following premises:

"Lot No. 105 of Hamilton's Second Garden Addition to the city of Columbus, Ohio, as the same is numbered and delineated on the recorded plat thereof, recorded in Plat Book 7, page 186, Recorder's office, Franklin county, Ohio, saving and excepting therefrom 12 feet off the rear end thereof reserved for the purpose of an alley."

Upon examination of said abstract, I am of the opinion same shows a good and merchantable title to said premises in John F. Stelzer, subject to the following exceptions:

The release of the mortgage shown at section 8 of the first part of the abstract is in defective form, but as the note secured by the mortgage has been long past due, no action could be maintained upon same. The release shown at section 14 is also defective but shows that the notes secured by the mortgage were undoubtedly paid.

Attention is directed to the restrictions in the conveyance shown at section 1 of the continuation of September 26, 1922, wherein are found restrictions for a period of twenty-five years against the use of the premises for the erection of any buildings to be used for slaughter houses and the killing of animals, or the use of said premises for the sale of intoxicating liquors or malt beverages.

The abstract states no examination has been made in the United States District or Circuit Courts, nor in any subdivision thereof.

Taxes for the year 1923, although as yet undetermined, are a lien against the premises.

It is suggested that the proper execution of a general warranty deed by John F. Stelzer, and wife if married, will be sufficient to convey the title to said premises to the state of Ohio when properly delivered.

Attention is also directed to the necessity of the proper certificate of the Director of Finance to the effect that there are unincumbered balances legally appropriated sufficient to cover the purchase price before the purchase can be consummated.

The abstract submitted is herewith returned.

Respectfully,

C. C. CRABBE,

Attorney-General.