

Upon examination of contract encumbrance record No. 60, I find that the same has been properly executed and that there is shown thereby a sufficient unencumbered balance in the appropriation account to the credit of your department, to pay the purchase price of this property, which is the sum of \$8,000.00. It further appears, in this connection, by way of recital in said contract encumbrance record, as well as by the certificate of the President of the Controlling Board, that said Board has approved the purchase of this property and has released from the appropriation account a sufficient amount of money to cover the purchase price of this property.

By reason of the peculiar circumstances under which this property is now owned and held, it is thought proper, by way of precaution, to speak of another matter which may possibly be of importance as affecting the title to this property. It does not appear from the abstract of title that there are any outstanding leases upon the above described tract of land or on any part thereof. And I assume from this fact that this land is in the actual possession of L. J. Graham, Treasurer of Muskingum College, or of the college itself and that the property is being used by them. It should be noted in this connection, however, that if, as a matter of fact, this property or any part thereof is in the actual physical possession of any person or persons other than said L. J. Graham and other than Muskingum College under claim of right, the state of Ohio, as the purchaser of this property, and your department, as the agent of the state in such purchase, will be bound to take notice of whatever rights such person or persons may have in this land as against L. J. Graham and Muskingum College. It may be presumed, however, as to this, that you or your representatives in the purchase of this land know the facts in regard to this matter or may upon investigation be advised of the same.

I am herewith returning for your further consideration said abstract of title, the warranty deed of L. J. Graham, the quit claim deed of Muskingum College, contract encumbrance record No. 60 and the Controlling Board certificate above referred to.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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6544.

APPROVAL—BONDS OF GARFIELD HEIGHTS VILLAGE  
SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO, \$8,000.00.

COLUMBUS, OHIO, December 21, 1936.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*