

742.

ABSTRACT STATUS OF TITLE SOUTH HALF OF LOT 73, HAMILTON'S
SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, September 12, 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 and a continuation thereto made by E. M. Baldrige, September 7, 1923 and pertains to the following premises:

The south half of Lot 73 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 six 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 Frank B. Thorp, 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 2 of the continuation wherein are found restrictions for a period of twenty-five years against the use of the premises for the erection of any building 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.

There also appears of record an unsatisfied mortgage in the sum of \$1,500.00 to The Lilley Building and Loan Company. Said mortgage, however excepts from the description of the premises 30 feet off the south side of Lot 73, thereby leaving said 30 feet off of the South side of Lot 73 clear and unincumbered.

Taxes for the year 1923, although as yet undetermined are a lien against the premises. There is also a balance of assessments for the improvement of Clara Street amounting to \$113.95, the next installment of which, amounting to \$28.48, with interest will be due in December 1923.

It is suggested that the proper execution of a general warranty deed by Frank B. Thorp 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.