

At section 4 there is shown a gas and oil lease given by the present owners October 28, 1915 to the Ohio Fuel Supply Company "for the term of 20 years," etc.

Your attention is directed to the abstract, which contains a complete copy of said leases, in order that you may determine to what extent the enjoyment of the premises may be interfered with on account of said leases.

Your attention is further invited to the fact that the abstractor does not specify what special taxes and assessments, if any, there are upon the treasurer's duplicate. Therefore, it will be necessary to determine this matter before accepting a conveyance.

You have enclosed encumbrance estimate No. 3857, which contains the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in the sum of \$18,024.55 to cover the above purchase.

According to the abstract no examination has been made in the United States courts.

Said abstract, encumbrance estimate and contract are returned herewith.

Respectfully,

JOHN G. PRICE,
Attorney-General.

3437.

STATUS, ABSTRACT OF TITLE, PREMISES SITUATE IN EATON TOWNSHIP, LORAIN COUNTY, OHIO, 2.25 ACRES OF LAND, PART OF ORIGINAL LOT No. 43.

COLUMBUS, OHIO, August 1, 1922.

Department of Highways and Public Works, Columbus, Ohio.

GENTLEMEN:—You have submitted an abstract certified by the Lorain County Abstract Company, June 9, 1922, inquiring as to the status of the title in the following described premises as disclosed by the abstract:

"Situated in the township of Eaton, county of Lorain and state of Ohio and known as being part of original lot No. 43 in said Eaton township, bounded and described as follows: Northwestly by the southerly line of the right of way of the Big Four Railway Company; east by land now or formerly owned by Myron D. Ross; south by the center line of the Capell road, so called, containing 2.25 acres of land, be the same more or less."

An examination of the abstract discloses at section 32 there is a mortgage given upon said premises to secure the payment of \$400.00, dated December 10, 1874, which is uncanceled of record.

At section 36 there is another mortgage which is not cancelled of record, which was executed December 8, 1886.

At section 38 a mortgage given upon said premises November 18, 1885, is uncanceled of record.

However, in view of the time that has expired, it is believed that serious consideration need not be given to the fact that these mortgages are unreleased of record unless it is known that there are those who claim interest in the premises by reason thereof.

The abstract has been supplemented by an affidavit by M. C. Ross, which establishes title to said premises by adverse possession in Arthur M. Ross.

In view of the abstract and the supplement referred to, it is my opinion that there is sufficient title shown to be in the name of said Arthur M. Ross.

There was no examination in any of the United States courts according to the abstract.

The taxes for the last half of the year 1921, amounting to \$8.81, are unpaid and a lien. The taxes for the year 1922 are a lien. The abstract does not disclose whether or not there are any special assessments.

Before accepting the conveyance you should determine that there are no matters filed of record affecting the title to said premises since the date of the abstract and that there are no special assessments operating as a lien.

You have submitted encumbrance estimate No. 3851, which contains the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in the sum of \$450.00 to cover the purchase of said premises.

The abstract, encumbrance estimate and contract are being returned herewith.

Respectfully,

JOHN G. PRICE,
Attorney-General.

3438.

STATUS, ABSTRACT OF TITLE, PREMISES SITUATE IN EATON TOWNSHIP, LORAIN COUNTY, OHIO, PART OF ORIGINAL LOT No. 43, CONTAINING 30 ACRES OF LAND.

COLUMBUS, OHIO, August 1, 1922.

Department of Highways and Public Works, Columbus, Ohio.

GENTLEMEN:—You have submitted an abstract last continued by the Lorain County Abstract Co., May 26, 1922, and inquired as to the status of the following described premises as disclosed by said abstract:

“Situating in the township of Eaton, county of Lorain and state of Ohio, and known as being part of original lot No. 43 in said Eaton township, bounded and described as follows:

On the south, east and west by the south, east and west lines of said lot No. 43 and on the north by land in said lot No. 43 now or formerly owned by Myron D. Ross, containing 30 acres of land.”

Said abstract was further supplemented by the Lorain Abstract Company July 30th by affidavits which are attached thereto.

After consideration it is the opinion of this department that said abstract, with the supplements attached thereto, show the title to said premises to be in the name of H. M. Howard and Minnie Howard, subject to the encumbrances hereinafter pointed out.

On page 16 of the abstract there is shown a mortgage executed by the present owners to the Grafton Savings and Banking Company dated February 27, 1920, to secure the payment of \$2,000, which is not released of record, which is a lien upon the premises and should be paid and released of record before the conveyance is accepted.

At section 3 of the 5th continuation of the abstract there is shown a lease granted upon the premises under consideration to the Ohio Fuel and Supply Company. You