

You likewise submit a copy of a certificate over the signature of the Secretary of the Controlling Board showing that the purchase of this property has been approved by said board.

I am herewith returning to you said abstract, deed, encumbrance estimate and the Controlling Board's certificate.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2029.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF ROBERT W. TURPIN,
IN THE VILLAGE OF NEWTOWN, HAMILTON COUNTY, OHIO.

COLUMBUS, OHIO, April 28, 1928.

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

DEAR SIR:—There has been submitted to me for my examination and approval an abstract of title and warranty deed executed by Robert W. Turpin, covering certain property located in the village of Newtown, Hamilton County, Ohio, and more particularly described as follows:

“The west thirty two (32) feet off of Lot number seven (7), Lots numbered eight (8), nine (9) and ten (10) of James Taylor's subdivision, Newtown, plat of which subdivision is recorded in Deed Book 81, page 266, of the records of Hamilton County, Ohio, said lots lying between Taylor and Willow Streets, as shown on said plat; specifically reserving, however, a perpetual right of way for ingress and egress over the west thirty (30) feet of said Lot numbered ten (10) to Edwin J. Turner, his heirs and assigns, and to the heirs of Rebecca K. Turpin, deceased, their heirs and assigns.

Also outlot numbered two (2) of said James W. Taylor's subdivision, Newtown, plat of which is recorded in Deed Book 81, page 266, of the records of Hamilton County, Ohio; said outlot Number two (2) being also the same and known as Parcel Number six (6) set off to grantor herein, in partition proceedings of the estate of Kate D. Turpin, deceased, in the Common Pleas Court of Hamilton County, Ohio, number 107, 209 on the docket of said court; specifically reserving, however, a perpetual right of way for ingress and egress over the south thirty (30) feet of said outlot numbered two (2) of said Taylor's subdivision, to heirs of R. K. Turpin, their heirs and assigns, and to Edwin J. Turner, his heirs and assigns.”

Upon examination of the abstract submitted, I am unable to approve the same or to find that said Robert W. Turpin has a good and merchantable fee simple title to the premises above described. In the first place, the early history of the title to these premises, as disclosed by the abstract, is very defective in this, that the description of the property conveyed in the early deeds as abstracted is so meager and indefinite that it is impossible to say whether or not the lands thereby conveyed embrace the premises here under investigation or not. Assuming, however, that Thomas Brown, by reason of prior conveyances, owned at the time of his death in 1805 lands which included the premises here under investigation, there is a complete break in the chain of title down to 1845, when one Daniel Jones assumed to convey the second tract of

the above described premises to one Hiram Bodine. Thereafter said Hiram Bodine and Mary Bodine, his wife, by deed of December 17, 1868, conveyed said second tract noted, as well as lots Nos. 7, 8, 9 and 10 of Taylor's subdivision, to one E. J. Turpin. The abstract does not show how Bodine got title to said lot. The abstract does, however, set out a number of quit claim deeds to said E. J. Turpin in 1887, executed respectively by one Aaron Nathan as to one deed, by Jennie Mills and Martha Spears and William Spears as to another and by one Abraham Mills as to still another of said deeds. Each and all of said quit claim deeds conveyed to E. J. Turpin lots No. 8, 9 and 10 of James Taylor's subdivision in Newtown, as well as other lots in said addition therein named, but in none of said deeds is any mention made of lots No. 7. Moreover, there is nothing in the abstract to show how the grantors in said respective quit claim deeds obtained title to the lots that they assume to convey and as to which we are concerned only with lots 8, 9 and 10.

Robert W. Turpin, present owner of record of the premises here in question, obtained record title of the same through a partition suit filed in the Court of Common Pleas of Hamilton County, May 29, 1896, by which a partition was had by the estate of one Kate D. Turpin. There is nothing in the abstract to show how title to the premises in question passed from E. J. Turpin to Kate Turpin. The abstract of the proceedings in such partition case is defective in this, that it appears that the defendant in said partition case was one Clarence Raglan, a minor, and there is nothing in the abstract that shows how service of summons was made upon said minor defendant so as to confer jurisdiction upon the court to make the order in partition upon which said Robert W. Turpin obtained title to the premises above described.

I have examined the deed submitted and find the same to be properly executed and in form sufficient to convey to the state of Ohio a fee simple title to the above described premises free and clear of all encumbrances. I have also examined the encumbrance estimate with respect to the purchase of this particular property and find that the same has been properly executed. The encumbrance estimate shows that there are unencumbered balances in the appropriation account sufficient to pay the purchase price of this property. I notice likewise a statement in the encumbrance estimate over the signature of the Director of Finance that the purchase of this land has been approved by the Board of Control under date of October 3, 1927.

However, on account of the defects in the abstract above noted, I am at this time unable to approve the title to these premises and I herewith return to you said deed and encumbrance estimate. I am retaining the abstract for the reason that the same is needed in investigating the title of other property in the village of Newtown which the State of Ohio desires to purchase for the use of your department.

Respectfully,

EDWARD C. TURNER,
Attorney General.

2030.

APPROVAL, ABSTRACT OF TITLE TO LAND OF MARY M. ARNOLD,
IN THE VILLAGE OF NEWTOWN, HAMILTON COUNTY, OHIO.

COLUMBUS, OHIO, April 28, 1928.

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

DEAR SIR:—There has been submitted for my opinion an abstract and deed covering certain property located in the village of Newtown, Hamilton County, Ohio, and more particularly described as follows: