

2798.

APPROVAL, WARRANTY DEED TO LAND OF MILTON T. DILTS AND WIFE IN CITY OF TROY, MIAMI COUNTY, OHIO.

COLUMBUS, OHIO, January 6, 1931.

HON. ROBERT N. WAID, *Director, Department of Highways, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication under date of January 5, 1931, submitting for my examination and approval a certain warranty deed executed by one Milton T. Dilts and wife conveying to the State of Ohio a certain parcel of land in the city of Troy, Miami County, Ohio, and Encumbrance Estimate No. 1346, covering the purchase price of said property.

The title to the parcel of land above referred to was the subject of Opinion No. 1642 of this office directed to you under date of March 20, 1930, in which opinion said parcel of land is more particularly described by metes and bounds, and in which it was found that at that time said Milton T. Dilts had a good merchantable fee simple title to said property free and clear of all encumbrances whatsoever.

In said opinion the warranty deed of said Milton T. Dilts and wife then tendered and Encumbrance Estimate No. 1009 covering the then agreed purchase price of the property were likewise approved by me.

In your recent communication you state that since the transmittal of my former opinion above referred to, the purchase price of this property has been reduced from \$8,750 to \$7,500, making necessary the new deed and encumbrance estimate now submitted for my examination and approval.

Upon examination of this deed, I find that the same has been properly executed and acknowledged by said Milton T. Dilts and by Nannie H. Dilts, his wife, and that the form of said deed is such that it is sufficient to convey the property to the State of Ohio free and clear of the dower interest of said Nannie H. Dilts as the wife of said Milton T. Dilts, and free and clear of all encumbrances whatsoever "except the taxes and assessments against said premises due and payable June, 1930, which the *grantors* agree to assume and pay." In this connection, it may be observed that since the rendition of my former opinion upon the title of this property the taxes for the year 1930 have become a lien upon this property. Some adjustment with respect to these taxes should, of course, be made before the transaction relating to the purchase of this property is closed.

Upon examination of Encumbrance Estimate No. 1346, I find that the same has been properly executed and approved and the same shows that the encumbrance therein noted for the purchase of said property has been legally made against the maintenance and repair appropriation account of your department.

I am herewith returning with my approval said warranty deed and encumbrance estimate.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2799.

APPROVAL, BONDS OF TATE TOWNSHIP, CLERMONT COUNTY, OHIO
—\$5,700.00.

COLUMBUS, OHIO, January 6, 1931.

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