

should determine for yourself to what extent, if any, this lease interferes with the enjoyment of the premises.

According to the abstract the taxes for the last half of the year 1921, amounting to \$29.61, are unpaid and a lien. The taxes for the year 1922 also constitute a lien. The abstract does not disclose definitely whether or not said premises are free from special taxes and assessments. Before accepting the conveyance you should see that all the matters above mentioned are properly taken care of and determined that there are no special taxes or assessment constituting a lien and that nothing has been filed of record affecting the title to said premises since the date of the abstract.

According to the abstract there was no examination made in any of the United States courts.

You have also submitted encumbrance estimate No. 3855, which contains the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in the sum of \$6,649.80 to cover the purchase of said premises.

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

Respectfully,
 JOHN G. PRICE,
Attorney-General.

3439.

STATUS, ABSTRACT OF TITLE, PREMISES SITUATE IN EATON TOWNSHIP, LORAIN COUNTY, OHIO, PART OF ORIGINAL LOTS NOS. 37, 38, 39, 43 AND 44, BEING 241.50 ACRES OF LAND.

COLUMBUS, OHIO, August 1, 1922.

Department of Highways and Public Works, Columbus, Ohio.

GENTLEMEN:—You have submitted an abstract which was last continued by the Lorain County Abstract Company, June 2, 1922, inquiring as to the status of the title to the hereinafter described premises:

“Being 241.50 acres situated in the township of Eaton, county of Lorain and state of Ohio, and being part of original lots Nos. 37, 38, 39, 43 and 44. Said premises are more fully described on the caption page of abstract No. 12937, which is enclosed herewith.”

The abstract was further supplemented by an affidavit of M. C. Ross and a certified copy of the will of David M. Marsh, deceased, and a certified copy of the final account, all of which is of record in the probate court of Cuyahoga county.

It is the opinion of this department that said abstract, with the supplements mentioned, discloses the title to said premises to be in the name of Myron D. Ross, subject to the liens hereinafter noted.

At section 146 there is shown an oil lease given upon said premises to the Ohio Fuel Supply Company, which is not cancelled of record. The lease is set forth in full and you should determine for yourself whether or not same will interfere with the enjoyment of the premises.

The taxes for the last half of the year 1921, amounting to \$146.21, are unpaid and a lien. The taxes for the year 1922 are a lien.

According to the abstract there was no examination made in any of the United States courts, neither does the abstract disclose whether or not there are any special assessments which would constitute a lien. Before the conveyance is accepted it should be definitely determined that there are no such liens and that there are no matters of record appearing since the date of the abstract that would affect the title to the premises.

You have submitted encumbrance estimate No. 3861, which contains the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in the sum of \$29,127.50 to cover the purchase of said premises.

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

Respectfully,

JOHN G. PRICE,
Attorney-General.

3440.

STATUS OF TITLE, PREMISES SITUATE IN EATON TOWNSHIP,
LORAIN COUNTY, OHIO, PART OF LOTS NOS. 40, 41 AND 60, BEING
230.13 ACRES OF LAND.

COLUMBUS, OHIO, August 1, 1922.

HON. LEON C. HERRICK, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted an abstract which was last continued by the Lorain County Abstract Company, May 24, 1922, inquiring as to the status of the title to 230.13 acres of land, as disclosed by the abstract, situated in lots Nos. 40, 41, and 60 of Eaton township, Lorain county, Ohio, which is fully described on the caption page of said abstract, which is enclosed herewith.

After an examination it is the opinion of this department that said abstract shows a sufficient title to said land to be in the name of Rebecca E. Dull, subject to the following liens and encumbrances:

In section 1 of the second continuation of said abstract the record of a mortgage is disclosed, given by Virgil N. Dull and wife and Rebecca E. Dull, on January 23, 1919, to Society for Savings in the city of Cleveland, upon said premises to secure the payment of \$8,000.00 with interest. According to the abstract this mortgage is not released of record.

In section 2 of the last continuation of said abstract there is shown a mortgage given by Virgil N. Dull and wife to First National Bank in Elyria, September 26, 1921, to secure the payment of \$1,800.00 with interest, which is a lien upon a part of said premises and has not been released of record.

The abstract further discloses that said premises are subject to an oil and gas lease granted by Rebecca E. Dull and Virgil N. Dull and wife to the Ohio Fuel Supply Company, October 4, 1921. Said lease runs for a period of "20 years and so much longer thereafter as oil, gas or their constituents are produced in paying quantities." According to the abstract said lease has not been canceled of record, and is fully set forth in section 4 of the last continuation.

According to the abstract the taxes for the last half of the year 1921, amounting to \$149.36, are unpaid and a lien. The taxes for the year 1922, of course, are unpaid and a lien.

Your attention is further directed to the fact that the abstractor recites that said premises are "subject to special taxes and assessments of any kind, if any," etc. In view of the fact that no positive statement is made in references to special assess-