

2 of the last continuation wherein are found restrictions for a period of twenty-five years against the use of the premises for the erection of any buildings 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.

Attention is directed to a judgment in the sum of \$379.44, together with interest and costs, as shown at section 9 of the last continuation of the abstract. The judgment shown is against Emma J. Wilson, and others, and since the date of same, March 11, 1924, such judgment has been a lien on the premises under consideration. This judgment should be satisfied of record before the final consummation of the purchase of this property.

The taxes for the year 1924 are a lien, one-half of which amounting to \$14.72 was due and payable in December, 1924.

It is suggested that the proper execution of a general warranty deed by Emma J. Wilson, and husband, if married, will be sufficient to convey the title of 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 unencumbered balances legally appropriated, sufficient to cover the purchase price, before the purchase can be finally consummated.

The abstract submitted is herewith returned.

Respectfully,

C. C. CRABBE,
Attorney-General.

2129.

ABSTRACT, STATUS OF TITLE, COVERING FIVE HUNDRED AND FORTY (540) ACRES OF LAND, SITUATE IN BENTON TOWNSHIP, PIKE COUNTY, OHIO.

COLUMBUS, OHIO, January 7, 1925.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Ohio State University, Columbus, Ohio.*

DEAR SIR:—Examination of an incumbrance estimate, deed and abstract of title covering five hundred and forty (540) acres of land, situate in Benton Township, Pike County, Ohio, submitted by you to this department for our examination, discloses the following:

The incumbrance estimate as submitted bears Number 5643, dated December 22, 1924, is issued by the Department of Ohio Agricultural Experiment Station, is addressed to M. J. Eggleston, the owner of the premises under consideration, is properly certified by Wilbur E. Baker, Director of Finance, under date of December 30, 1924, further signed by W. H. Kramer, Bursar of the Ohio Agricultural Experiment Station, and is otherwise in proper form.

The deed as submitted appears to be in proper form but has not as yet been executed. In connection with the deed, attention is directed to the incumbrance clause which excepts from the warranty the taxes due and payable in December, 1924, and June, 1925.

The abstract as originally submitted did not contain the proper caption. The corrected caption was afterward submitted directly to this department by J. W. Long, the abstractor, under date of December 30, 1924. The letter accompanying the corrected caption and the corrected caption have both been attached to the abstract.

As already indicated, the abstract as submitted was prepared and certified by J. W. Long, Attorney and Abstracter, under date of December 12, 1924.

The premises under consideration in the abstract as submitted are described in two tracts, the first tract being situate in the Virginia Military District and located in Bentsn Township of Pike County, Ohio, and containing four hundred and thirty-six (436) acres, more or less, the second tract being part of Survey No. 14391, made in the name of N. Massie and located in Bentsn Township, Pike County, Ohio, and containing forty (40) acres, more or less.

The early history of the title here under consideration contained a considerable number of discrepancies and errors in the several descriptions of the premises conveyed. In a number of instances in the early transfers of these premises, the descriptions were not sufficient to entirely enclose any given tract. In one or two instances one or two calls in the description appear to be deficient. However, beginning with the transfer under date of May 31, 1880, as shown by Section 23 of the Abstract, the several parcels of land included in the premises as described in the caption of the abstract under consideration seem to have been gathered together in one tract and carry the same description as appears in the caption of the abstract; and from that date forward, for a period of forty-four years the several transfers carry the same description as set forth in the caption. The several transfers of the title following May 31, 1880, finally bring the title at the date of the certification of the abstract in one M. J. Eggleston, the present owner, and in whom, I am of the opinion, the abstract shows a good and merchantable title to said premises, subject to the following:

In Section 2 of a recent continuation to the abstract there appears a mortgage in the sum of \$425.00, by M. J. Eggleston and Mary A. Eggleston, his wife, to The Waverly Building and Loan Company. This mortgage bears date of December 11, 1924, and is not cancelled of record. Particular attention is directed to this mortgage, which should be properly released of record before the final consummation of the purchase of these premises.

Attention is also directed to the matter of taxes. In the last page of the abstract, in the certificate of the abstracter, I note a statement indicating that there is now a charge against the premises under consideration in the sum of \$206.23 for taxes, penalties, interest and cost of advertising, which is a lien. Particular attention is directed to this charge, with the suggestion that same should be properly cancelled and released before the final consummation of the purchase of the premises.

Attention is also directed to a further statement to the effect that the June half-tax, due and payable in June, 1925, in the sum of \$27.25, is unpaid and a lien.

The incumbrance estimate, deed and abstract submitted by you are herewith returned.

Respectfully,

C. C. CRABBE,
Attorney-General.

2130.

APPROVAL, FINAL RESOLUTIONS, ROAD IMPROVEMENTS IN GEauga
AND PREBLE COUNTIES.

COLUMBUS, OHIO, January 7, 1925.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.