

2070.

STATUS OF TITLE, PREMISES SITUATE IN FRANKLIN COUNTY,  
OHIO, CLINTON TOWNSHIP, LOTS 9, 10, 11, 12, 13 AND 15, WOOD  
BROWN PLACE.

COLUMBUS, OHIO, May 12, 1921.

HON. CARL N. STEEB, *Secretary, Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR:—You have recently submitted to this department two abstracts, which were last continued by John K. Kennedy, attorney at law, May 5, 1921, covering the premises hereinafter described, and request my opinion as to the status of the title as disclosed by said abstracts:

Situate in the county of Franklin, state of Ohio, and township of Clinton: Being lots numbers nine (9), ten (10), eleven (11), twelve (12), thirteen (13), and fifteen (15) of Wood Brown Place as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 196, recorder's office, Franklin county, Ohio.

After having made an examination of said abstracts it is my opinion that said abstracts disclose the title to all of the above described premises to be in the name of C. W. Pavey on May 5, 1921, the date of the last continuation, subject, however, to the encumbrances herein after pointed out.

The continuation of each abstract discloses a suit in the court of common pleas, Franklin county, Ohio, No. 84,013, in which The American Stock Food Company and Harry D. Shelly are plaintiffs and Arthur G. Pavey and C. W. Pavey, defendants. Plaintiffs recovered judgment on November 18, 1920, of one cent damages, at defendants' cost. According to the abstract these costs amount to \$20.30 and are unpaid, and would undoubtedly constitute a lien upon the premises. The abstract does not show whether or not any attempt was made to institute further proceedings in reference to this suit. Neither does it disclose the amount of property involved in the replevin proceedings. In view of this situation, before accepting a conveyance of the premises the status of this suit should be determined and arrangements made to your satisfaction for protecting the state against any liens that might attach by reason of said suit. Of course, if the matter is finally adjudicated, then the only amount to consider would be the \$20.30 above referred to.

According to the abstract lots numbers nine (9), ten (10), eleven (11), and twelve (12) of the premises above described are subject to a tax lien of \$34.98 for the last half of the year 1920; also, the taxes for the year 1921 are a lien; also, lot number thirteen (13) of the premises above described is subject to a tax lien of \$29.06 for the last half of the year 1920, and of course in addition thereto the undetermined taxes for the year 1921 are a lien. The abstract further discloses that lot number fifteen (15) above mentioned is subject to a tax lien amounting to \$35 for 1920, and the taxes for the year 1921 are a lien. However, the abstracter indicates that this amount of \$35 is probably an error. In the event that you accept a conveyance of these premises you should retain from the purchase price a sufficient sum to cover the liens upon the premises above mentioned.

The abstract discloses that no examination was made in any United States court.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*