

to convey to the state a fee simple title, but it expressly excepts the right of way for power line granted by Ida Howell to the Ohio Utilities Company, above mentioned.

I am herewith returning to you all of the papers enumerated above as having been received.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

3216.

APPROVAL, QUIT CLAIM DEED TO LAND OF BELLE BAINTER, IN  
BENTON TOWNSHIP, HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, May 12, 1931.

HON. JOSEPH T. TRACY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—You have submitted to me for my examination and approval a quit claim deed executed by one Belle Bainter, former wife of one Jacob C. Bainter of Lancaster, Ohio, by the terms of which deed, upon delivery thereof, there is remised, released and quit claimed to the State of Ohio all the right, title and interest which said Belle Bainter has in certain real estate situated in Benton Township, Hocking County, Ohio, and more particularly described as follows:

“FIRST TRACT. Being the south-west quarter of the south-west quarter of section number eleven (11), Township number eleven (11) range eighteen (18), containing forty (40) acres of land more or less.

SECOND TRACT. Being the north half of the east half of the north-east quarter of section number fifteen (15), Township number eleven (11) range eighteen (18), containing forty (40) acres of land more or less.

THIRD TRACT. Being the west half of the north-west quarter of section number fourteen (14) Township number eleven (11) range eighteen (18) excepting therefrom the following premises to wit: Commencing at the north-east corner of the west half of the north-west quarter of section number fourteen (14), Township number eleven (11) range eighteen (18), there being a spruce tree at the corner; thence south along the line to the south-east corner; thence north along the line to the top of the rocks; thence east following the meandering of the rocks to where it intersects the north line running east and west; thence east to the place of beginning, said excepted tract containing fifteen (15) acres of land more or less, and the residue thereof conveyed herein being sixty six (66) acres of land more or less, and being the same premises and lands conveyed to the said The State of Ohio by Jacob C. Bainter and Lavona Bainter by deed dated December 29th, 1924, and recorded in Vol. 59 at page 276, Hocking County Ohio Deed Records.”

The purpose of said quit claim deed is to release to the State of Ohio the

inchoate or contingent right of dower which said Belle Bainter has in the above described real property, which property was conveyed and transferred to the state by said Jacob C. Bainter and one Lavona Bainter subject to the contingent dower right of Belle Bainter, on or about August 26, 1925.

I have examined said quit claim deed and find that the same has been properly executed, and that the form of said deed is such that it is legally sufficient to convey to the State of Ohio all the right, title and interest of Belle Bainter in and to said property including her contingent right of dower therein.

At the time of the conveyance of this property by Jacob C. Bainter to the State of Ohio, the state was not able to obtain a conveyance of Jacob C. Bainter's interest in this property otherwise than subject to the inchoate dower interest of Belle Bainter by reason of her refusal to join in said deed.

In order to protect itself against the possibility that said Belle Bainter might survive her husband and be able to enforce her dower rights with respect to said property, the state required said Jacob C. Bainter to deliver to it a certain bond in the sum of one thousand dollars executed by said Jacob C. Bainter, as principal, and the Fidelity and Deposit Company of Maryland, as surety, conditioned that said Jacob C. Bainter should at all times thereafter indemnify the state against the contingent right of dower of said Belle Bainter in and to said premises, and from all actions, charges, costs and expenses by reason thereof.

Inasmuch as the only defect in the title to said property which is covered by said bond was and is the contingent right of dower of Belle Bainter in said premises, and since, as above noted, the quit claim deed above referred to, will, on delivery, be effective to release to the State of Ohio such inchoate dower interest, I am of the opinion that when said quit claim deed is formally delivered to you on behalf of the state you will then be authorized to release said bond and return the same to said Jacob C. Bainter.

You should not, of course, release and return this bond until the quit claim deed is delivered to you for the purpose above indicated.

I am herewith returning to you said quit claim deed and all of the original files relating to the purchase of the above described property.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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3217.

APPROVAL, BONDS OF TUSCARAWAS TOWNSHIP RURAL SCHOOL  
DISTRICT, STARK COUNTY, OHIO—\$35,000.00.

COLUMBUS, OHIO, May 12, 1931.

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