

Section 1182-3, General Code (112 O. L., 435, Section 11), requires the Attorney General to approve the legality and form of bonds entered into under authority of the Norton-Edwards Highway Act (112 O. L., 430, et seq.). However, neither such section nor Section 6290-1, General Code, requires the Attorney General to approve the legality and form of bonds entered into under authority of Section 6290-1, and therefore such bonds are returned herewith without my signature at the bottom of the bonds.

However, as above stated, such bonds appear to be in proper legal form in accordance with Section 6290-1, General Code, with the exception noted.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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5157.

APPROVAL—ABSTRACT OF TITLE, ETC., TO LAND IN OXFORD TOWNSHIP, BUTLER COUNTY, OHIO, OWNED BY J. PAUL ALBERT AND E. E. ERICKSON.

COLUMBUS, OHIO, February 13, 1936.

HON. W. P. ROUDEBUSH, *Secretary, Board of Trustees, Miami University, Oxford, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval an abstract of title, warranty deed and contract encumbrance record No. 1641, relating to the proposed purchase by the President and Trustees of Miami University of a tract of land in Oxford Township, Butler County, Ohio.

This tract of land which is owned of record by J. Paul Albert and E. E. Erickson, as tenants in common and by perpetual leasehold title, is a part of Lot No. 2 in Section 13 in said township and county and is more particularly described as follows:

Beginning at the southeast corner of said Lot No. 2 in Section 13; thence on the east line of said lot eight (8) chains and eighty-three (83) links to the southeast corner of a tract of land in said lot formerly owned by Joseph M. Stout; thence due west on a line parallel with the south line of said lot to the west line thereof to a stake at the southwest corner of said tract

of Joseph M. Stout in said lot; thence south on the west line of said lot to the southwest corner thereof eight (8) chains and eighty-three (83) links; thence east with the south line of said lot to the place of beginning and containing twenty-two (22) acres of land.

Upon examination of the abstract of title submitted, which abstract is certified by the abstracter under date of January 29, 1936, I find that the above named J. Paul Albert and E. E. Erickson, as tenants in common, have a good and indefeasible title by perpetual leasehold, estate and interest in the above described tract of land subject to the payment of an annual ground rent of \$4.01 payable to the Treasurer of Miami University, and that aside from this ground rent charge the title of J. Paul Albert and E. E. Erickson in and to this tract of land by perpetual leasehold as aforesaid is free and clear of all encumbrances except the taxes on this land for the year 1935 amounting to the sum of \$5.91, which taxes, I assume, will be paid or adjusted at the time the transaction for the purchase of this property is closed.

You have likewise submitted to me as a part of the files relating to the purchase of this land a warranty deed executed by J. Paul Albert and E. E. Erickson, as the grantors therein, which deed has been properly executed and acknowledged by these grantors and by Lillian Albert, the wife of J. Paul Albert. The form of this deed is such that the same is legally sufficient to convey to the President and Trustees of Miami University all of the right, title and interest of said grantors in and to the above described tract of land, free and clear of the inchoate dower interest of Lillian Albert in her husband's undivided estate in this property.

Contract encumbrance record No. 1641, which has been submitted to me in connection with the proposed purchase of this property, has been properly executed and the same shows a sufficient unencumbered balance in the appropriation account of land rents standing to the credit of Miami University sufficient to pay the purchase price of this property, which purchase price is the sum of \$1,200.00.

Inasmuch as the purchase price of this property is to be paid out of land rents standing to the credit of the University and is not to be paid out of the general funds of the State, no approval of this purchase or release of moneys therefor by the controlling board is necessary.

Pursuant to your suggestion, I am forwarding this opinion and the accompanying files to the Auditor of State and I am sending a copy of this opinion to you.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*