

3368.

STATUS, ABSTRACT OF TITLE, PREMISES SITUATE IN NORTHFIELD TOWNSHIP, SUMMIT COUNTY, OHIO, PART OF LOT NO. 90.

COLUMBUS, OHIO, July 20, 1922.

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

DEAR SIR:—You have submitted an abstract last continued on July 18, 1922, by B. F. Davies, Abstracter, inquiring as to the status of the title to the following described premises, as disclosed by said abstract:

Situate in the township of Northfield, county of Summit and state of Ohio, and known as part of lot No. ninety (90) of said township, and described as follows, to wit: Beginning at a stone set by J. A. Means at the northeast corner of said lot; thence S. $\frac{3}{4}$ of a degree W., 21 chains and 75 links along the east line of said lot to a hard-head stone; thence N. $88\frac{1}{4}$ degrees W., 45 chains along the south line of said lot to a hard-head stone placed in the road center; thence N. 34 degrees W., 21 chains and 50 links to the center of the Ohio canal; thence N. $19\frac{3}{4}$ degrees W., along the center of said canal to the county line; thence S. 88 degrees E., 59 chains and 3 links to the north line of said lot, township and county to the place of beginning and containing one hundred and fourteen and $\frac{96}{100}$ (114.96) acres of land, being the same property conveyed by John Hynton to A. K. Richey by deed dated April 6, 1875, and recorded in the records of said county, Book 94, on page 618, to which record reference is hereby made, be the same more or less, but subject to all legal highways.

It is the opinion of this department that said abstract shows sufficient title to said premises to be in the heirs of Andrew K. Richey and Elizabeth B. Richey, as named in the partition suit disclosed at section 10. Said heirs are further named in the affidavit submitted by Jacob F. J. Richey. Said abstract does not disclose that anything has taken place in this suit since the return of the writ of partition reporting "property not divisible." It will be necessary to have submitted to this department the order of sale and the return of the sheriff in connection therewith, together with the court's finding confirming the sale and ordering the sheriff to execute a deed, before you deliver the warrant in payment for said premises. In other words, the proceedings from the time partition was ordered until the deed is executed should be approved.

The taxes for the year 1922 are a lien upon the premises.

You are further advised that before the deed is accepted and payment made you should obtain information to the effect that there is sufficient personal property of the estate of Elizabeth B. Richey to fully pay all of the debts against said estate. The same information should be obtained in reference to the estate of Thomas T. Richey, deceased.

You have submitted Encumbrance Estimate No. 3879, which contains the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in the sum of \$15,000.00 to cover the purchase of said premises.

Said abstract and encumbrance estimate are being returned herewith.

Respectfully,

JOHN G. PRICE,

Attorney-General.