

his wife, and Anna L. Young, a widow, under date of November 27, 1926, for a tract of 76.2 acres, a part of O. S. U. Lot No. 1 in Nile Township, Scioto County, Ohio, more particularly described as follows:

Beginning at a stake in the N. line of Lot No. 1 and in the line of Survey No. 16021 and No. 16057 and at the NW. corner of a 160 acre tract, sold Isaac J. Ellman out of the NE. corner of said Lot No. 1; thence S. 121 46/100 poles to a stake in the W. line of said Ellmans 160 acre tract; thence W. 96.2 poles to a stake; thence N. 96.4 poles to a stake in the N. line of said Lot No. 1 and 60.8 poles, 89½' E. from the NW. corner of said Lot No. 1; thence N. 89½' E. 8.2 poles to three white oaks and a hickory; thence N. 66½ deg. S. 68 poles to the place of beginning; containing 76.2 acres.

After an examination of the abstract of title, it is my opinion that Joseph B. Belcher and Anna L. Young, each owning an undivided half interest in said premises, subject to the unpaid taxes for the years 1926 and 1927, have a good and merchantable title in said premises.

An examination of the deed discloses that the words "for use of the Agricultural Experiment Station, Division of Forestry" are written after the name of the purchaser "The State of Ohio", in the premises of the deed reciting payment of the consideration. These words should be omitted. In addition certain erasures are apparent on the face of the deed. It has been the practice of this department to require the body of the instrument to show that any erasures, corrections or interlineations on a deed or similar instrument were made prior to its execution. For these reasons I am returning the deed without my approval.

The abstract and the deed are herewith returned.

Respectfully,
EDWARD C. TURNER,
Attorney General.

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DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN NILE TOWNSHIP,
SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, August 16, 1927.

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

DEAR SIR:—You have submitted for my opinion, an abstract of title prepared by Joseph W. Mitchell, abstracter, and by him certified under date of January 8, 1927, which is accompanied by the deed of David N. Hopkins and Verna L. Hopkins, his wife, for real estate situate in Nile Township, Scioto County, Ohio, being an 100 acre tract in the Virginia Military Survey No. 15833, more particularly described as follows:

"Being the WEST EQUAL ONE-HALF of the 200 acres tract of land, described as follows, to-wit:

Beginning at a point in the N. line of said Survey No. 15833, and being NW. corner of a 200 acres tract, part of same Survey, conveyed by deed by Henry Fisher to Lake Jones; thence, S. along and with the W. line of said Jones Tract, to a point in the N. line of a 365 acres tract, of said Survey, conveyed by Henry Fisher to J. L. Bachman; thence W. along and with the N. line of said Bachman Tract, to a point in the NE. corner of a 500 acres tract of said Survey, sold off the west side thereof, and the SE. corner of a 100 acres tract of said Survey conveyed by J. J. Rarden, Trustee to Thomas Collis; thence N. with the E. line of said 100 acres tract, $12\frac{1}{2}$ deg. E. 192 poles to a large stone and black oak corner to Survey No. 15458 and in the N. line of Survey No. 15833; thence, in an easterly direction, with the N. line of said Survey No. 15833 to a place of beginning. Containing 200 acres, more or less.

Being same premises conveyed by Calla Barker to J. J. Rarden, Trustee, by deed, December 9, 1905.

The EQUAL WEST HALF herein conveyed being same premises heretofore conveyed by John Cunningham to David N. Hopkins, the present owner in fee, by deed dated Feb. 15, 1915 and recorded in Scioto County, Ohio, Deed Book No. 110 at page No. 449.

After an examination of the abstract of title, it is my opinion that David N. Hopkins has a good and merchantable title to said premises, subject to the liens of unpaid taxes for the last half of 1926, amounting to \$2.60, payable in June, 1927 and the 1927 tax, the amount of which is not yet determined, but a lien.

The deed accompanying the abstract was executed by David N. Hopkins and Verna L. Hopkins, his wife, and by them acknowledged before a Notary Public on the first day of May, 1927. They convey the property to the State of Ohio for the use of the Agricultural Experiment Station, Division of Forestry; and the same expression is contained in the premises reciting the consideration and in the habendum clause.

It will be noted from the above description that the conveyance is made of the West Equal One-half of the 200 acres tract, which 200 acres tract alone is described by metes and bounds.

The deed should be re-drafted for execution and acknowledgment, conveying the property to the "State of Ohio, its successors and assigns," without any limitation as to its use. That is to say, the words "for the use of the Agricultural Experiment Station, Division of Forestry" should be omitted from the premises, the granting clause and the habendum. In addition the west half of this 200 acre tract should be surveyed so that the one hundred acre tract proposed to be conveyed to the State of Ohio can be definitely described by metes and bounds. Otherwise, the deed is in proper form and properly executed and acknowledged.

It should be noted, however, that the warranty clause in this deed is against all claims, except the current tax for 1927, not yet computed or due, which the grantee is to assume.

The abstract and deed are herewith returned.

Respectfully,
EDWARD C. TURNER,
Attorney General.