

the above described premises to one Hiram Bodine. Thereafter said Hiram Bodine and Mary Bodine, his wife, by deed of December 17, 1868, conveyed said second tract noted, as well as lots Nos. 7, 8, 9 and 10 of Taylor's subdivision, to one E. J. Turpin. The abstract does not show how Bodine got title to said lot. The abstract does, however, set out a number of quit claim deeds to said E. J. Turpin in 1887, executed respectively by one Aaron Nathan as to one deed, by Jennie Mills and Martha Spears and William Spears as to another and by one Abraham Mills as to still another of said deeds. Each and all of said quit claim deeds conveyed to E. J. Turpin lots No. 8, 9 and 10 of James Taylor's subdivision in Newtown, as well as other lots in said addition therein named, but in none of said deeds is any mention made of lots No. 7. Moreover, there is nothing in the abstract to show how the grantors in said respective quit claim deeds obtained title to the lots that they assume to convey and as to which we are concerned only with lots 8, 9 and 10.

Robert W. Turpin, present owner of record of the premises here in question, obtained record title of the same through a partition suit filed in the Court of Common Pleas of Hamilton County, May 29, 1896, by which a partition was had by the estate of one Kate D. Turpin. There is nothing in the abstract to show how title to the premises in question passed from E. J. Turpin to Kate Turpin. The abstract of the proceedings in such partition case is defective in this, that it appears that the defendant in said partition case was one Clarence Raglan, a minor, and there is nothing in the abstract that shows how service of summons was made upon said minor defendant so as to confer jurisdiction upon the court to make the order in partition upon which said Robert W. Turpin obtained title to the premises above described.

I have examined the deed submitted and find the same to be properly executed and in form sufficient to convey to the state of Ohio a fee simple title to the above described premises free and clear of all encumbrances. I have also examined the encumbrance estimate with respect to the purchase of this particular property and find that the same has been properly executed. The encumbrance estimate shows that there are unencumbered balances in the appropriation account sufficient to pay the purchase price of this property. I notice likewise a statement in the encumbrance estimate over the signature of the Director of Finance that the purchase of this land has been approved by the Board of Control under date of October 3, 1927.

However, on account of the defects in the abstract above noted, I am at this time unable to approve the title to these premises and I herewith return to you said deed and encumbrance estimate. I am retaining the abstract for the reason that the same is needed in investigating the title of other property in the village of Newtown which the State of Ohio desires to purchase for the use of your department.

Respectfully,

EDWARD C. TURNER,
Attorney General.

2030.

APPROVAL, ABSTRACT OF TITLE TO LAND OF MARY M. ARNOLD,
IN THE VILLAGE OF NEWTOWN, HAMILTON COUNTY, OHIO.

COLUMBUS, OHIO, April 28, 1928.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my opinion an abstract and deed covering certain property located in the village of Newtown, Hamilton County, Ohio, and more particularly described as follows:

"Beginning at a point in the westerly line of Church Street, in said Village of Newtown, three hundred and five and seventy one hundredths (305.71) feet southwesterly of the point of intersection of said westerly line of Church Street by the south line of Main Street, in said Village of Newtown; running thence, south twenty-eight degrees and thirty minutes (28° 30') west along said westerly line of Church Street, two hundred and seventy five and sixteen hundredths (275.16) feet; thence south eighty degrees and forty-three minutes (88° 43') west, one hundred and twenty-seven and five hundredths (127.05) feet; thence north no degrees and seven minutes (7') west; one hundred and eighty-five and twenty hundredths (185.20) feet; thence north seventy-seven degrees and three hundredths minutes (77° 03') east, two hundred and sixty-five and forty hundredths (265.40) feet to the place of beginning, containing ninety hundredths (.90) of an acre of land, be the same more or less."

As a result of my examination of the abstract, I find that Mary M. Arnold, the owner of record of said premises, has a good and merchantable fee simple title to said premises subject only to the lien of the taxes on the same for the last half of the year 1927, and to the lien of the undetermined taxes for the year 1928. Apparently the taxes for the last half of the year 1927 on a parcel of 3.33 acres, including the premises under investigation, amount to \$57.80. The taxes on the premises under investigation, which consists of .90 of an acre of land, will have to be ascertained and apportioned both with respect to the taxes for the last half of the year 1927 and those of the year 1928.

I have examined the warranty deed for said premises, signed and otherwise properly executed and acknowledged by Mary M. Arnold and Gustave Arnold, her husband. This deed is in all respects in proper form and will on delivery and acceptance be effective to transfer to the State of Ohio a simple title to said premises free and clear of all incumbrances whatsoever.

There has been submitted to me an encumbrance estimate with respect to the purchase of the above described premises. This encumbrance estimate, which has been properly executed, shows that there are unencumbered balances in the appropriation account sufficient to pay the purchase price of this property. This encumbrance estimate likewise contains a statement over the certificate of the Director of Finance that the purchase of this land was approved by the Board of Control on October 3, 1927.

I am herewith returning to you the above mentioned deed and encumbrance estimate. I am retaining the abstract for the reason that the same is needed by this department for the purpose of investigating the title of other properties in Newtown, purchased by your department.

Respectfully,

EDWARD C. TURNER,
Attorney General.

2031.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF ALBERT STICKSEL
AND MARY E. STICKSEL, IN THE VILLAGE OF NEWTOWN, HAMIL-
TON COUNTY, OHIO.

COLUMBUS, OHIO, April 28, 1928.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and opinion an abstract and a certain warranty deed executed by Albert Stickssel and Mary E. Stickssel