

1902

OPINIONS

1280.

APPROVAL, BONDS OF MAHONING COUNTY—\$46,700.00.

COLUMBUS, OHIO, December 10, 1929.

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

1281.

APPROVAL, BONDS OF MAHONING COUNTY—\$30,011.26.

COLUMBUS, OHIO, December 10, 1929.

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

1282.

APPROVAL, BONDS OF MAHONING COUNTY—\$63,600.00.

COLUMBUS, OHIO, December 10, 1929.

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

1283.

APPROVAL, ABSTRACT OF TITLE TO LAND OF DAVID S. LONG IN
MIDDLETOWN, GUERNSEY COUNTY, OHIO.

COLUMBUS, OHIO, December 11, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have resubmitted for my examination and approval an abstract of title, warranty deed form, controlling board certificate and encumbrance estimate relating to the proposed purchase by the State of Ohio of a tract of land in Middletown, Oxford Township, Guernsey County, Ohio, from David S. Long and Maud Long, husband and wife, which property is more particularly described as follows:

Known as Inlots numbered one hundred and one (101) and one hundred and two (102) in the town of Middletown, in the Township of Oxford, in the County of Guernsey and State of Ohio, said lots fronting upon what is known as the National Road, and each being sixty-six (66) feet in width from east

to west and one hundred and seventy (170) in length from north to south.

The additional data you now submit clarifies the ambiguities concerning the name of the village in which the property is situated, the name of the village being "Middletown" and the name of the post office "Middlebourne". This discrepancy was pointed out to you in my opinion No. 1252, dated December 3, 1929.

An examination of the abstract of title submitted, which is certified to by the abstracter, B. F. Enos, of Cambridge, under date of October 24, 1929, shows that David S. Long, the owner of record of the above described premises, had on said date a good merchantable fee simple title to the same, free and clear of all encumbrances except a mortgage in the sum of \$61.55, given on April 9, 1807, by William Moore and Rosanna Moore, his wife, to Sample B. Clark, and sixty years later on April 18, 1867, and recorded on May 2, 1867. Said mortgage having remained unreleased of record for more than twenty-one years after the last due date, the lien of such mortgage is deemed to have expired, by virtue of Section 8546-2, General Code.

A certificate from Fred D. Boyd, treasurer of Guernsey County, dated December 7, 1929, states that taxes for the year 1929 have been paid and that there are no special assessments against said property.

An examination of the deed form of the deed to be executed by said David S. Long and Maud Long, husband and wife, shows that the same is 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 except taxes and assessments, if there be any assessments due and payable for the year 1929. As above indicated, this deed has not yet been signed or otherwise executed, and care should be taken to see that said deed is signed and properly acknowledged and executed before the purchase price is paid. The deed, when executed, should be resubmitted for my approval.

The controlling board certificate and encumbrance estimate No. 6293 are in regular form and executed by the proper officials.

I am returning you herewith said abstract of title, warranty deed form, encumbrance estimate, controlling board certificate and other papers submitted with your inquiry.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1284.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND S. P. STEWART & SON, BOWLING GREEN, OHIO, FOR ARCHITECTURAL SERVICES IN CONNECTION WITH RECITATION AND DEPARTMENTAL BUILDING AT BOWLING GREEN STATE COLLEGE, BOWLING GREEN, OHIO.

COLUMBUS, OHIO, December 11, 1929.

HON. RICHARD T. WISDA *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and opinion a contract between the State of Ohio acting by and through the Department of Public Works for and on behalf of the board of trustees of Bowling Green state college, Bowling Green, Ohio, and S. P. Stewart & Son, Bowling Green, Ohio, for architectural services in connection with the Recitation and Departmental Building at said college, and providing for compensation to the architect in an amount equal to 5½% of the amount