

3020.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF JOHN M. HAMILTON, IN BENTON TOWNSHIP, HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, December 14, 1928.

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

DEAR SIR:—You have submitted an abstract last certified by John C. Pettit, under date of October 5, 1928, and request my opinion as to the status of title of thirty acres of land situated in the southern part of Section 15, Township 11, Range 18, in the Township of Benton, County of Hocking, and State of Ohio, which said premises are more particularly described in the caption of said abstract to which reference is made.

An examination of said abstract discloses the following objections:

1. On page twenty-three a conveyance is shown of said premises by Josiah Hamilton to Owen Hamilton. It does not appear from the instrument whether the said grantor was married or single. If married at the time and his wife is now living, she would have a dower interest in said premises.

2. On page thirty-eight a conveyance is shown wherein John M. Hamilton and Ernest M. Hamilton conveyed the premises to Louisa Hamilton and Carrie Hamilton, and no wives release dower therein. Probably the grantees are the wives of the grantors, but nothing is shown in said abstract to definitely indicate the same, excepting in the deed which you enclose Louisa Hamilton, among others, attempts to convey the premises to the State. It further appears on page forty-two that the heirs of Carrie Hamilton conveyed the premises to Ernest M. Hamilton, who also joins in the conveyance to the State. While this indicates that in the conveyance shown on said page thirty-eight the grantees were the wives of the grantors, it does not conclusively appear to be true from the abstract.

3. On page forty-two, wherein a conveyance is made to Ernest M. Hamilton, the deed recites that the grantors therein named are the only heirs at law of Carrie Hamilton, deceased. This deed was executed October 3, 1928. There is nothing in the abstract to show when the said Carrie Hamilton died and no administration of her estate is shown. If her estate was administered, the same should be shown. In any event, evidence should be submitted indicating when Carrie Hamilton died, who her children and heirs at law were, and it also should be indicated that inheritance taxes have been determined and that all her debts have been paid.

In view of the foregoing, it is evident that the title to said premises cannot be approved until such time as the objections hereinbefore pointed out have been corrected.

The abstract, deed, encumbrance estimate and copy of the minutes of the Board of Control, which you submitted, are being returned herewith.

Respectfully,
EDWARD C. TURNER,
Attorney General.