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## APPROVAL, ABSTRACT OF TITLE TO LAND OF THE RARDIN BROTHERS COMPANY, INC., IN CITY OF ATHENS, ATHENS COUNTY, OHIO.

COLUMBUS, OHIO, April 15, 1930.

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

DEAR SIR:—This is to acknowledge receipt of your communication of recent date submitting for my approval abstract of title, warranty deed, encumbrance estimate No. 1013 and controlling board certificate relating to the proposed purchase of Lots Nos. 832 and 833 in Hudson's Addition to the City of Athens, Ohio, as said lots are numbered and delineated upon the recorded plat of said addition.

Upon examination of said abstract of title and an extension thereof certified under date of March 14, 1930, I find that The Rardin Brothers Company, Inc., the record owner of the property here under investigation, has a good and indefeasible title to the same, free and clear of all encumbrances except the taxes for the last half of the year 1929, which are due and payable in June, 1930, and a storm sewer assessment, the amount of which is not stated in said abstract. These encumbrances are liens on said property and should be adjusted before the transaction for the purchase of this property is closed.

In this connection, it may be further stated that the State's lien for taxes on real property for the year 1930 attached on yesterday, April 13, 1930. Inasmuch, however, as the deed of The Rardin Brothers Company, Inc., conveying this property, was tendered to the State of Ohio on March 21, 1930, conditional upon the approval of the abstract of title and other files relating to the purchase of this property by the State, I am inclined to the view that this property should be transferred to the tax exempt list when this deed is submitted to the county auditor for transfer prior to the recording of the same in the office of the County Recorder of Athens County.

Upon examination of the warranty deed above referred to, tendered by The Rardin Brothers Company, Inc., I find that the same has been properly executed and acknowledged by and on behalf of said company and that the same is in form sufficient to convey the above described property to the State of Ohio free and clear of all encumbrances except sewer assessments on said property. As above suggested, there should be some adjustment made with respect to said sewer assessments when closing the transaction for the purchase of this property.

An inspection of encumbrance estimate No. 1013 shows that the same has been properly signed, but that said encumbrance estimate is defective in not setting out the appropriation against which this encumbrance is charged. This defect in the encumbrance estimate should be corrected before any voucher is issued for the purchase price of the property which I note from the encumbrance estimate is the sum of \$1,000.00.

It is noted from the certificate of the controlling board submitted as a part of the files relating to the purchase of this property that the amount of the purchase price of said property has been released for the purpose by said controlling board in accordance with the authority therefor contained in Section 11 of House Bill 510.

I am herewith returning to you said abstract of title and the extension thereof, said warranty deed, encumbrance estimate No. 1013, controlling board certificate and other files submitted to me with respect to this matter. Inasmuch as the correction of said encumbrance estimate in the particular pointed out will be simply a clerical matter, it will not be necessary for you to again submit the same to this office for approval.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*