

4034.

APPROVAL, ABSTRACT OF TITLE, ETC., TO LAND IN HANOVER TOWNSHIP, ASHLAND COUNTY, OHIO, OWNED BY GOLDA J. MCGUIRE.

COLUMBUS, OHIO, March 8, 1935.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval an abstract of title, warranty deed, contract encumbrance records Nos. 12 and 20, and the Controlling Board's certificate relating to the proposed purchase by the state of Ohio, for the proper use of the Ohio Agricultural Experiment Station of a tract of land in Hanover Township, Ashland County, Ohio, which tract of land is described as separate parcels in the deed above referred to, as follows:

"Being the South half of the North East quarter of Section Number Nine (9) in Township Number Nineteen (19) of Range Number Sixteen (16). Excepting one (1) acre out of the North West corner of said half quarter sold to John Bowman, the tract of land hereby conveyed contains Seventy-nine (79) acres, more or less.

Situated in the County of Ashland, in the State of Ohio, and in the Township of Hanover and bounded and described as follows: Being One (1) acre of land out of the North West corner of the South half of the North East quarter of Section Number Nine (9) in Township Number Nineteen (19) of Range Number Sixteen (16)."

Upon examination of the abstract of title submitted, which abstract is certified by the abstractor under date of March 1, 1935, I find that Golda J. McGuire has a good merchantable fee simple title to the above described property free and clear of all encumbrances except unpaid taxes in the amount of \$22.68, which are a lien upon the property and except any outstanding indebtedness of the estate of John Brubaker, deceased, which estate is still open for administration by said Golda J. McGuire, as Executrix of the said estate. Any indebtedness of said John Brubaker, existing at the time of his decease, and which is now unpaid, is a lien upon the property in question. In this connection it is noted that although the abstract contains information showing that no inheritance taxes have accrued on the succession or successions to the property and estate of John Brubaker, deceased, there is nothing in the abstract to indicate the status of said estate with respect to indebtedness existing at the time of the death of John Brubaker. It is suggested, therefore, that before the transaction for the purchase of this property is closed some investigation with respect to this matter should be made, and information obtained with respect to such indebtedness, if any.

Upon examination of the warranty deed tendered by Golda J. McGuire, I find that the same has been properly executed and acknowledged by said grantor and by C. C. McGuire, her husband. I further find upon examination of the provisions of this deed, that the form of the same is sufficient to convey this property to the state of Ohio by full fee simple title free and clear of the dower interest of said C. C. McGuire and with a warranty that the same is free and clear of all encumbrances whatsoever.

Contract encumbrance records Nos. 12 and 20 which have been submitted as part

of the files relating to the purchase of the above described property, are properly executed and the same show sufficient unencumbered balances in the proper appropriation account to pay the respective purchase prices of the above described parcels of land, which purchase prices are \$1,400.00 for the 79 acre tract and \$100.00 for the 1 acre tract. It further appears that the purchase of this property has been approved by the Controlling Board, which board has released from the appropriation account the money necessary to pay the purchase price of these properties.

I am herewith returning to you, with my approval, said abstract of title, warranty deed, contract encumbrance records Nos. 12 and 20, Controlling Board's certificate, and other files submitted, relating to the purchase of the above described property.

Respectfully,
JOHN W. BRICKER,
Attorney General.

4035.

LEASE—STATE OF OHIO ON PROPERTY AT 50 SOUTH THIRD ST., COLUMBUS, OHIO.

SYLLABUS:

Questions relating to lease of the State of Ohio on property located at 50 South Third Street, Columbus, Ohio, discussed.

COLUMBUS, OHIO, March 8, 1935.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have requested my opinion on several questions arising with reference to a lease of the State of Ohio entered into on the 13th day of March, 1928, for the use of the second and third floors of the Courley and Trautman Building at 50 South Third Street, Columbus, Ohio.

The following facts are necessary to a consideration of the questions presented:

It seems that on March 13, 1928, the then Superintendent of Public Works, Hon. R. T. Wisda, entered into such lease with the American Education Press, Inc., for the property mentioned, for a period of ten years, ending March 15, 1938, at a rental of \$8,000 per year, for the use of the Bureau of Motor Vehicles of the State of Ohio.

Such property was used by the Bureau of Motor Vehicles until about the first of January, 1934, when it was vacated by such Bureau, due largely to additional space being necessary and the fact that the legislature had made no specific appropriation for the rental of such space during 1934 beyond the sum of \$500. Soon after the vacation of the premises by the Bureau of Motor Vehicles, the Federal Public Works Administration took possession of such quarters, with the consent of both the lessor and lessee, and is now occupying such quarters.

It further appears that an appropriation had been made by the 90th General Assembly for the rental of these premises in the amount of \$8,000 for the year 1933 and only \$500 for 1934, as just pointed out above. See page 16 of House Bill 699 of the 90th General Assembly.

It appears that during 1934 the State Emergency Board had been releasing the stipulated monthly rental for the use of such premises by the Public Works Admin-