

In view of the fact that there has been failure of statutory requirement as to the notice to the property owners as above recited, the issue of bonds cannot be approved, and you are therefore advised not to accept the property owners' portion of said bonds.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*

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2733.

APPROVAL, BONDS OF EBENEZER RURAL SCHOOL DISTRICT, MONTGOMERY COUNTY, \$76,000.00.

COLUMBUS, OHIO, Aug. 28 1925.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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2734.

APPROVAL, BONDS OF VILLAGE OF UNIVERSITY HEIGHTS, CUYA-HOGA COUNTY, \$127,000.00.

COLUMBUS, OHIO, Aug. 28 1925.

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

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2735.

APPROVAL, BONDS OF VILLAGE OF GRANVILLE, LICKING COUNTY, \$13,000.00.

COLUMBUS, OHIO, Aug. 28 1925.

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

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2736.

ABSTRACT, STATUS OF TITLE, TWO TRACTS OF LAND IN OXFORD TOWNSHIP, BEING PART OF LOTS NOS. 1 AND 2 OF SECTION 23, TOWNSHIP 5, RANGE 1 EAST—MIAMI UNIVERSITY.

COLUMBUS, OHIO, Aug. 31, 1925.

W. P. ROUDEBUSH, *Secretary, Board of Trustees, Miami University, Oxford, Ohio.*

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

DEAR SIR:—Examination of an abstract of title, warranty deed and encumbrance estimate submitted by you to this office for our examination and formal opinion, discloses the following:

The abstract, together with certain amendments and additions made at the suggestion of this department, covers the history of the title of two certain tracts of real

estate situated in the township of Oxford, county of Butler and State of Ohio, and being a part of Lots numbered 1 and 2 of Section 23, Township 5, Range 1 east, and described as follows:

The first tract containing 60.45 acres, the same being subject to Miami University ground rent and more particularly described in the caption of the abstract to which this opinion is attached.

The second tract containing 9.64 acres, same being subject to Miami University ground rent, and being more particularly described in the caption of the abstract to which this opinion is attached.

The abstract as submitted was prepared and certified by Paul Scudder, attorney-at-law, Hamilton, Ohio, under date of July 27, 1925.

Upon examination of said abstract, I am of the opinion same shows a good and merchantable title to said premises in the Oxford Retreat Company, a corporation, subject to the following exceptions:

Both tracts are subject to Miami University ground rent. However, in view of the fact that it is proposed to convey the premises under consideration to the State of Ohio for the use of Miami University, the right of Miami University to the ground rent will immediately merge in the title.

Attention is also directed to an uncanceled mortgage given in the year 1867, but in view of the fact that the note secured by said mortgage is of very long standing, I do not feel that this defect is of any material consequence, and may be disregarded.

There also appears some irregularities in the early transfers and descriptions of the title under consideration, but in view of the fact of the long lapse of time, at least sixty years, it is believed these irregularities may be disregarded.

The certificate of the abstracter shows that the taxes for the year 1924, the last half of which was due in June, 1925, have been fully paid. The taxes for the year 1925 are a lien, but as yet undetermined.

Accompanying the abstract as submitted will also be found a brief statement by Paul Scudder, attorney-at-law, Hamilton, Ohio, to the effect that he is of the opinion that the title is a good and merchantable title.

Attached to the abstract will also be found a transcript of the minutes of the Oxford Retreat Company, a corporation, setting forth the action of the board authorizing the transfer and conveyance of the premises.

Examination of the warranty deed as submitted shows same to be in proper form, and when properly executed and delivered, will be sufficient to convey the title.

Examination of the encumbrance estimate bearing No. 578, addressed to the Oxford Retreat Company for the two parcels of real estate under consideration at an estimated cost of \$200,000, has been regularly certified by Wilbur E. Baker, Director of Finance, under date of August 8, 1925, and properly approved by R. M. Hughes, Director of the Department August 4, 1925. The encumbrance estimate also indicates that the purchase of the property under consideration was approved by the Controlling Board at a meeting on July 22, 1925. This action is also further evidenced by a copy of a letter addressed to R. M. Hughes, President, Miami University, by Wilbur E. Baker, Director of Finance, under date of July 22, 1925. Copy of the letter in question is attached to the encumbrance estimate.

I am herewith returning to you the abstract and amendments thereto, and the encumbrance estimate, the deed having been transmitted to you a few days ago.

Respectfully,

C. C. CRABBE,

*Attorney General.*