

Upon examination of the resubmitted abstract, I am of the opinion that the same shows a good and merchantable title to said land in John S. and Lyde M. Umensetter, subject to the following encumbrances:

1. The same right of way to the Bergholz Telephone Company referred to in the paragraph numbered 3, Opinion No. 737, rendered to you under date of July 14, 1927, seems apparently still to exist.

2. The June, 1927, instalment of the 1926 taxes, amounting to \$52.32, is still unpaid and a lien.

3. The 1927 taxes are lien.

4. An assessment for the construction of the Richmond-Pravo Road amounting to \$198.84 payable in twelve instalments of \$16.57 each, the next instalment being payable in December, 1927, is a lien.

The abstract does not yet show any examination in the United States Court, and the examination of the judgment indexes in the clerk's and sheriff's offices for judgment liens only goes back as far as 1910.

The deed has been executed by John S. and Lyde M. Umensetter under date of August 25, 1927, and acknowledged before a notary public. This deed when delivered will pass good title to the State of Ohio.

The abstract of title and deed are herewith returned to you.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1026.

APPROVAL, ABSTRACT OF TITLE TO LAND IN SALEM TOWNSHIP,  
JEFFERSON COUNTY, OHIO.

COLUMBUS, OHIO, September 21, 1927.

HON. CHARLES V. TRUAX, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have resubmitted for my opinion a form of deed and an abstract of title, last certified by R. G. Porter of Steubenville, Ohio, under date of September 9, 1927, covering land situate in Salem Township, Jefferson County, Ohio, said land consisting of one tract containing 34 acres bounded and described as follows:

Situated in the County of Jefferson, State of Ohio, and in the Township of Salem. Being the part of the northeast quarter of Section 23, Township 10 and Range 3. Beginning at the northwest corner of the northeast quarter of said Section 23, thence east 1190 feet; thence south  $11^{\circ}$  E. 113 feet, thence south  $38\frac{1}{2}^{\circ}$  west 1060 feet, thence south  $47\frac{1}{2}^{\circ}$  east 398 feet to the center of the road, thence with road south  $40^{\circ}$  west 1320 feet to the line between Shull and Kuester, thence north with the Shull line 2217 feet to the place of beginning—containing 34 acres, more or less.

The same being a part of the 160 acres of land conveyed by Charles Kuester, administrator of the estate of Charles Kuester, deceased, and recorded in Deed Record No. 127, page 321, records of Jefferson County, Ohio, and being a part of the same premises conveyed by Charles Kuester, et al., to John Kuester, as recorded in Deed Book No. 127, page 320.

Upon examination of the resubmitted abstract, I am of the opinion that the same shows a good and merchantable title to said land in John Kuester, subject to the following encumbrances:

1. The abstract before correction, as stated in Opinion No. 711 rendered to you under date of July 9, 1927, showed a mortgage by John Kuester to the National Exchange Bank of Steubenville, securing the maker's note for \$5,000.00. The continuation of the abstract contains a sheet signed by The National Exchange Bank & Trust Company, by W. K. McClinton, President, and attested by E. E. McFadden, Secretary, under date of September 10, 1927, purporting to be a partial release of that mortgage insofar as it constitutes a lien on the 34 acres being purchased by the State of Ohio. This instrument or sheet has not been filed for record with the Recorder of Jefferson County; but I am of the opinion that when it is so filed and recorded, the mortgage will no longer constitute a lien on the 34 acres being purchased by the State of Ohio. This partial release should be recorded.
2. The June instalment of the 1926 tax, amounting to \$29.83, is still unpaid, and a lien.
3. The 1927 taxes, amount yet undetermined, are also a lien.
4. An assessment for the construction of the Richmond-Pravo Road, amounting to \$37.20, payable in twelve instalments of \$3.10 each, the next instalment being payable in December, 1927, is a lien.
5. An assessment for the construction of the Canton Road, I. C. H. No. 75, Section K, amounting to \$164.22, payable in fourteen instalments of \$11.73 each, the next instalment being payable in December, 1927, is a lien.

The abstract does not show any examination in the United States Court, and the examination of the judgment indexes in the clerk's and sheriff's offices for judgment liens only goes back as far as 1910.

The deed has been redrafted and executed by John Kuester and Lulu Kuester, his wife, under date of August 29, 1927, and acknowledged before a notary public. This deed when delivered will pass good title to the State of Ohio.

The abstract of title and deed are herewith returned to you.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1027.

APPROVAL, ABSTRACT OF TITLE TO LAND IN SALEM TOWNSHIP,  
JEFFERSON COUNTY, OHIO.

COLUMBUS, OHIO, September 21, 1927.

HON. CHARLES V. TRUAX, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—You have resubmitted for my opinion a form of deed and an abstract of title last certified by R. G. Porter of Steubenville, Ohio, under date of September 9, 1927, covering land situate in Salem Township, Jefferson County, Ohio, consisting of one tract containing 123 acres, bounded and described as follows:

“Being a part of the southeast quarter of Section 24, Township 10, and Range 3. Beginning at the northeast corner of said quarter section; thence