

1602.

EXAMINATION OF ABSTRACT, PREMISES SITUATED IN FRANKLIN COUNTY, OHIO, LOTS NUMBERS NINE, TEN AND ELEVEN, R. P. WOODRUFF'S AGRICULTURAL COLLEGE ADDITION.

COLUMBUS, OHIO, September 30, 1920.

HON CARL E. STEEB, *Secretary, Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR:—You have recently submitted an abstract, which was last continued by F. B. Milligan, abstractor, on September 20, 1920, requesting an opinion as to the status of the title to the following described premises as disclosed in said abstract:

Situated in the city of Columbus, in the county of Franklin, and in the state of Ohio, and being lots numbers nine, ten and eleven (9, 10 and 11) of R. P. Woodruff's subdivision of the south half of the south half of lot number two hundred and seventy-eight of R. P. Woodruff's Agricultural College addition to said city, as said lots are numbered and delineated on the recorded plat thereof, of record in Plat Book No. 3, page 421, recorder's office, Franklin county, Ohio.

The abstract, with the continuations thereto, discloses the title to lots numbers nine and ten above described to be in the name of John Elmer Murdick and Mollie E. Murdick, his wife, at the date of the last continuation of said abstract, subject to a mortgage given upon said premises by Isabelle W. Bell and Lee A. Bell, her husband, to the Franklin Loan and Savings Company, on May 22, 1912, to secure the payment of the sum of \$1,375.00, with six per cent interest, payable monthly. Under the terms of said mortgage the mortgagee is authorized to pay taxes, assessments, or insurance and to charge eight per cent interest on such expenditures. In the event the state purchases said premises you should ascertain the amount due upon said mortgage and deduct same from the purchase price to the end that this lien may be paid and released. The taxes for the year 1920 are also a lien upon said premises.

You are further advised that the abstract discloses the title to lot number eleven of the premises above described to be in the name of Isaac B. Martlin. However according to the abstract, on September 8, 1920, a suit was filed in the court of common pleas of Franklin county by the National Mercantile Agency Company against the said Isaac B. Martlin, asking judgment in the sum of \$10,000, which suit is still pending. Also, on November 19, 1919, a petition was filed in the same court in which the said Isaac B. Martlin was named defendant and D. J. Gonagle and E. L. Corbett were plaintiffs. The amount claimed in this petition, according to the abstract, is \$794.39. This suit is also pending. The abstract further shows a suit in the same court, being number 77162, in which the said Isaac B. Martlin is plaintiff, which is still pending.

You are advised that in the event that a judgment should be rendered in the above cases against the said Isaac B. Martlin, the same would constitute a lien upon the real estate he owns, and if not otherwise satisfied his real property would be subject to sale to pay such a judgment. It therefore becomes necessary to advise that the state should not accept a conveyance of said premises until a satisfactory disposition of said cases has been made. However, it is believed that in the event that Mr. Martlin will contract to warrant and defend the title to said premises

and furnish satisfactory bond to indemnify the state in case a lien upon said premises should result by reason of the foregoing suits, such an arrangement may be made. The taxes for the year 1920 are a lien upon said premises. The abstract discloses that there was no examination made in any of the United States courts.

Respectfully,
JOHN G. PRICE,
Attorney-General.

1603.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENTS, WIL-
LIAMS COUNTY, OHIO.

COLUMBUS, OHIO, October 1, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

1604.

APPROVAL, LEASE TO CITY OF MASSILLON, OHIO, FOR CERTAIN
CANAL LANDS TO BE USED FOR CONSTRUCTING THEREON A
MUNICIPAL MARKET HOUSE.

COLUMBUS, OHIO, October 2, 1920.

HON. JOHN I. MILLER, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—Your letter of September 30, 1920, is received, submitting for my examination lease, in triplicate, to the city of Massillon, Ohio, for certain canal lands between Tremont and Charles streets in said city, which land is to be used by that city for constructing and maintaining thereon a municipal market house. Value \$13,333.34.

I have carefully examined said lease, and find the same correct in form and legal, and I am therefore returning it with my approval endorsed thereon.

Very Respectfully,
JOHN G. PRICE,
Attorney-General.