

in December, 1924, are a lien. These taxes should be paid and a receipt showing payment obtained before the title is accepted.

It is suggested that the proper execution of a general warranty deed by Allen Bohanon and wife, if married, will be sufficient to convey the title to said premises to the State of Ohio when properly delivered.

Attention is also directed to the necessity of the proper certificate of the Director of Finance to the effect that there are unincumbered balances legally appropriated sufficient to cover the purchase price before the purchase can be consummated.

The abstract submitted is herewith returned.

Respectfully,
C. C. CRABBE,
Attorney-General.

2153.

APPROVAL, FINAL RESOLUTION, ROAD IMPROVEMENT IN MORGAN COUNTY.

COLUMBUS, OHIO, January 15, 1925.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

2154.

ABSTRACT, STATUS OF TITLE, SIX HUNDRED AND SIXTY-SEVEN (667) ACRES OF LAND, MORE OR LESS, LOCATED IN FRANKLIN, HUNTINGTON AND SCIOTO TOWNSHIPS OF ROSS COUNTY, OHIO.

COLUMBUS, OHIO, January 16, 1925.

HON. EDMUND SECREST, *State Forester, Ohio Agricultural Experiment Station, Wooster, Ohio.*

DEAR SIR:—An examination of the deed, abstract of title and encumbrance estimate submitted by you to this department discloses the following:

The warranty deed as submitted appears to be in proper form and properly executed and it is believed that upon proper delivery of same the deed as submitted will be sufficient to convey the title of the premises under consideration to the State of Ohio.

However, your attention is directed to the fact that the dating of the deed is not complete, in that the day of the month has not been indicated. This should be corrected before the deed is accepted.

Your attention is also directed to the fact that the deed as submitted does not indicate whether or not William Carson and Louis Ward Carson are married or unmarried. You will readily appreciate that if either of these grantors are married, a release of dower in the deed by their wives would be imperative.

The abstract under consideration was prepared by Harry B. Grace, Abstracter, under date of December 20, 1924. At page 9 of the abstract as submitted, reference is made to an abstract previously submitted to this department and now on file in the office of the Auditor of State of Ohio, known as the Martin Abstract, and which ab-

stract gives the history of the title of the premises now under consideration, from the patent by the United States Government to the deed shown on page 10 of the present abstract, under date of January 21, 1873. I find upon investigation of the files of the State Auditor's office that the abstract referred to is on file with the State Auditor and does cover the early history of the title of the premises here under consideration.

The abstract now submitted pertains to the following premises, to-wit:

Six hundred and sixty-seven (667) acres of land, more or less, located in Franklin, Huntington and Scioto Townships of Ross County, Ohio, and being part of Surveys Nos. 14383, 14940 and 15056, saving and excepting from said six hundred and sixty-seven acres of land a tract containing three hundred and twenty (320) acres, more or less, conveyed by William Carson, et al., to Belle W. Ide, et al., by deed dated March 14, 1907, said tract being more particularly described in the caption of the abstract to which this opinion is attached.

Upon examination of said abstract, I am of the opinion that same shows a good and merchantable title to said premises in William Carson, Louis Ward Carson and Edith C. Wilder, subject to the following:

There appear to be some discrepancies in the descriptions of the premises under consideration, particularly the description describing the three hundred and twenty acre tract which is excepted from the original six hundred and sixty-seven acre tract. The description in the conveyance of the three hundred and twenty acre tract as shown at page 19 does not exactly coincide with the description shown on the plat at page 40 of the abstract. However, in view of the fact that the principal discrepancies appear in other courses than those dividing the two tracts, I am inclined to the view that those discrepancies may be waived.

In this connection, however, it is suggested that if there is any serious question or any contention on the part of any one concerning the exact boundary lines of the premises here under consideration, it may be advisable for you or some one of your department to make a personal investigation of the boundary lines, and it may become necessary to have the premises surveyed by a competent civil engineer.

The certificate of the abstracter on page 41 indicates that the taxes on the premises under consideration for the year 1924 and all prior years are paid in full. The certificate of the abstracter also indicates that no examination has been made of the files or records of any United States court or any officer thereof concerning the title under consideration.

The encumbrance estimate as submitted bears Number 5644, is dated January 6, 1925, was prepared by the Department of Ohio Agricultural Experiment Station, addressed to Louis Ward Carson, Agent, Chillicothe, Ohio, and covers three hundred and twenty acres of land, situated in Scioto, Huntington and Franklin Townships, Ross County, Ohio, at an estimated cost of \$3,296.50; said encumbrance estimate has been certified by Wilbur E. Baker, Director of Finance, under date of January 8, 1925.

The abstract, deed and encumbrance estimate submitted by you to this department are herewith returned.

Respectfully,
C. C. CRABBE,
Attorney-General.