

General Code of Ohio, relating to the collection of taxes on delinquent lands.

Yours truly,

HERBERT S. DUFFY,

*Attorney General.*

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575.

APPROVAL—CERTIFICATE OF TITLE RELATING TO LITTLE FARMS ALLOTMENT IN GREEN TOWNSHIP, SUMMIT COUNTY, OHIO.

COLUMBUS, OHIO, May 10, 1937.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge receipt of your recent communication with which you resubmit for my examination and approval certificate of title No. 56998, certain deeds, contract encumbrance record No. 22 and other files relating to the proposed purchase of Lots Nos. 7 and 8 of C. C. McCue's Little Farms Allotment in Green Township, Summit County, Ohio.

The files above referred to were the subject of Opinion No. 382 directed to you under date of April 2, 1937.

The lots above referred to are owned by one Lillian Olsen and the present state of her title to these lots is indicated by the former opinion of this office above referred to.

In this opinion I disapproved the deeds executed by Augusta M. McCue, as executrix of the estate of C. Clifton McCue in and by which she conveyed this property to Lillian Olsen, for the reason that the certificate of title showed that this property had been sold by Augusta M. McCue, as executrix, to Steve Mitseff and Fota Mitseff, and that there was nothing to show that Steve Mitseff and Fota Mitseff had assigned their rights to this property or to a deed therefor, to Lillian Olsen. In this connection, you have now submitted to me a land contract executed by and between Augusta M. McCue, as executrix of the last will and testament of C. Clifton McCue, deceased, and Steve Mitseff and Fota Mitseff in and by which said executrix contracts and agrees to convey to the other parties to the contract, above named, said Lots 7 and 8 upon payment of the purchase price thereof. Endorsed upon this land contract is an assignment over the signature of Steve Mitseff

and Fota Mitseff in which it is stated that for a valuable consideration they assigned and set over to said Lillian Olsen, her heirs and assigns, all of their right, title and interest in and to said land contract with respect to said Lots 7 and 8. This assignment was made under date of March 2, 1932, and cures any defect that may have existed with respect to the deeds of Augusta M. McCue, as executrix, in and by which these lots were conveyed to said Lillian Olsen.

In Opinion No. 382, above referred to, I disapproved the deed tendered by Lillian Olsen conveying said Lot No. 8 in C. C. McCue's Little Farms Allotment for the reason that the State of Ohio was not named as grantee in said deed. This has now been corrected. I am accordingly approving the deed executed by Augusta M. McCue, executrix, conveying said Lots 7 and 8 to Lillian Olsen and I am likewise including the two warranty deeds by which said Lots 7 and 8 are respectively conveyed to the State of Ohio.

Contract encumbrance record No. 22 was approved in said former opinion as was the title of Lillian Olsen in and to this property, subject only to the exceptions noted in said former opinion to which reference is here made. I am herewith returning to you the deeds executed by Augusta M. McCue conveying said Lots 7 and 8 to Lillian Olsen, the warranty deeds tendered by Lillian Olsen to the State of Ohio covering the above mentioned lots and likewise contract encumbrance record No. 22. I am retaining the certificate of title above referred to for the reason that the same covers not only said Lots 7 and 8 in C. C. McCue's Little Farms Allotment, but also Lot No. 9 in said allotment, the title to which is now in one Mattie V. Flower and which will be the subject of a separate opinion with respect to said certificate of title so far as the same affects said Lot No. 9.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

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576.

APPROVAL — GRANTS OF EASEMENT EXECUTED TO THE STATE OF OHIO BY SEVERAL PROPERTY OWNERS IN ALLEN, BUTLER, CLARK, AND FRANKLIN COUNTIES FOR USE AS PUBLIC FISHING GROUNDS.

COLUMBUS, OHIO, May 10, 1937.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval