

1479.

APPROVAL, NOTES OF GRANDVIEW HEIGHTS EXEMPTED VILLAGE  
SCHOOL DISTRICT, FRANKLIN COUNTY—\$175,000.00.

COLUMBUS, OHIO, February 1, 1930.

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

1480.

MOTOR VEHICLE—MORTGAGEE REPOSSESSING A VEHICLE MUST  
DELIVER TO A PURCHASER ALL BILLS OF SALE—WHEN CLERK  
OF COURTS MAY MAKE CERTIFIED COPIES FOR SUCH MORTGA-  
GEE.

## SYLLABUS:

1. *A mortgagee, that repossesses a motor vehicle after the conditions of the mortgage have been broken and does not have copies of all former bills of sale, cannot lawfully give a bill of sale to a subsequent purchaser setting forth the special facts with reference to the manner of obtaining title to such automobile, but must execute a bill of sale therefor in the same way that any other association or person is required to do, that is by delivering to the purchaser a properly verified bill of sale, together with all bills of sale or certified copies thereof, back to and including the original bill of sale or back to and including the sworn statement.*

2. *The clerk of courts may make certified copies of bills of sale for a mortgagee who has repossessed an automobile after the conditions of the mortgage have been broken, when such mortgagee files an affidavit setting forth such facts and the further fact that he is unable to obtain copies of the bills of sale from the mortgagor.*

COLUMBUS, OHIO, February 1, 1930.

HON. PAUL J. WORTMAN, *Prosecuting Attorney, Dayton, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date in which you request my opinion upon the following questions:

"1. Can the mortgagee who repossesses a motor vehicle under default in the mortgage, but who is unable to secure copies of former bills of sale, give a bill of sale to a subsequent purchaser as the successor in interest, setting up the special facts in the premises as under Section 6310-8?

2. Can the mortgagee who has repossessed a motor vehicle and who has not received a bill of sale or copies of former bills of sale from the mortgagor secure certified copies from the clerk of courts of former bills of sale without filing an affidavit that the copies have been lost, stolen or destroyed as provided in Section 6310-13a?"

As stated in your letter, the first question was answered by my predecessor in an opinion rendered October 21, 1927, found in Opinions of the Attorney General,