

1458.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF CARL W. AND  
LONA ENZLE IN FORT JEFFERSON, DARKE COUNTY, OHIO.

COLUMBUS, OHIO, January 27, 1930.

HON. HARRY D. SILVER, *Director of Finance, Columbus, Ohio.*

DEAR SIR:—Under date of October 29th, 1929, I directed to you Opinion No. 1118 relating to the title of Lot No. 16 of the plat of the town of Fort Jefferson, Darke County, Ohio, which was owned of record by Carl W. Enzle and Lona Enzle, the acquisition of which property is sought by the State of Ohio through the Greenville Historical Society under authority of House Bill No. 143 passed by the 88th General Assembly.

In the former opinion of this office above referred to, the title of said Carl W. Enzle and Lona Enzle to said lot was approved subject only to the unpaid taxes which were a lien on said lot and also to two mortgages, one in the sum of \$300.00 executed by the owners of said lot to the Peoples Savings Bank under date of September 17th, 1928, and the other mortgage in the sum of \$500.00 executed on the same day to the Greenville Building Company. The corrected abstract of title submitted by you does not show that these mortgages have been paid.

It now appears that the only part of Lot No. 16 that is to be acquired by the State of Ohio is the south one-half of said lot, and as to this parcel I find that said Carl W. Enzle and Lona Enzle have a good and merchantable fee simple title to the same, subject to the encumbrance of the taxes on this parcel of land for the year 1929, and subject to the encumbrance of the mortgages above referred to. Said liens should, of course, be paid off and removed before the transaction relating to the purchase of this property by the Greenville Historical Society or the State of Ohio is closed.

Although one of the warranty deeds tendered by the Greenville Historical Society to the State of Ohio includes as a part of the property thereby conveyed the south one-half of Lot No. 16 of the plat of the town of Fort Jefferson, there does not appear in said abstract of title, or in any of the files submitted therewith, a deed executed by Carl W. Enzle and Lona Enzle conveying this property to the Greenville Historical Society. This deed should, of course, be presented as a part of the chain of title, before this land is purchased by either the Greenville Historical Society or the State of Ohio.

With this opinion I am herewith returning the opinions relating to the other lots and parcels of land included in the Fort Jefferson project, as well as the corrected abstract of title, deeds, and other files submitted therewith.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*