

3024.

APPROVAL, ABSTRACT OF TITLE TO LAND OF GEORGE GALLOWAY,
ET AL., IN XENIA TOWNSHIP, GREENE COUNTY, OHIO.

COLUMBUS, OHIO, December 15, 1928.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and opinion an abstract of title, warranty deed and encumbrance estimate relating to a tract of land in Xenia Township, Greene County, Ohio, the purchase of which is proposed for the use of the Fish and Game Division of your department. The land under consideration is more particularly described as follows:

“Beginning at a point in the Springfield and Xenia pike in the south line of a lane to the old Xenia Water Works and north line of Alice B. Galloway land; thence N. 58 deg. .04' E. 860.97 feet to a stone corner to said Alice B. Galloway and Xenia Water Works (now the State of Ohio land); thence S. 28 deg. 36' E. 12.01 feet to a point in said line; thence S. 58 deg. .04' W. parallel with the said first described line 867.23 feet to the center of the Springfield and Xenia Pike; thence with said pike N. 4 deg. and 22' W. 13.54 feet to the place of beginning. Containing 0.24 acres be it the same more or less.”

The abstract of title submitted shows that one Alice B. Galloway died intestate several years ago seized of a fee simple estate in a tract of 15.90 acres of land, including that above described, and leaving her husband, George Galloway, and a daughter, Grace Galloway, as her only heirs at law. It appears therefore that said Grace Galloway has now a fee simple estate in the above described premises, subject to the dower interest of her father, George Galloway, therein.

The title and interest of Grace Galloway and George Galloway in this tract of land are subject to the following, the only exceptions noted in the examination of said title, other than that relating to current taxes hereinafter referred to:

From the abstract it appears that no administration has been granted on the estate of Alice B. Galloway, deceased, nor is there anything in said abstract to show that the debts of said estate have been paid. Again, there is nothing in the abstract to show that the inheritance taxes due and payable on the descent and devolution of said property on the death of said Alice B. Galloway have been determined and paid. Any indebtedness of the said Alice B. Galloway existing at the time of her death partakes of the nature of a lien on lands of which she died seized. Likewise, inheritance taxes due and payable by said Grace Galloway on the descent and devolution of said lands to her upon the death of said Alice B. Galloway are a lien on all lands which passed to her on the death of her mother. It appears from the abstract that Alice B. Galloway died seized of a large tract of valuable land adjoining the 15.90 acre tract, of which the land here under investigation is a part; and that such remaining land is more than sufficient to secure the payment of the inheritance tax and other liens above referred to. However, this is a matter for your department to determine, and I do not feel that this department should assume any responsibility in matters of this kind, other than to advise you as to the liens upon the land that you desire to purchase and as to other legal questions involved.

The abstract shows that all taxes on the land here under investigation have been paid, other than the taxes for the year 1928, the amount of which is not paid. These taxes are, of course, a lien.

An examination of the warranty deed of Grace Galloway and George Galloway conveying this property to the State of Ohio shows that the same has been properly executed and acknowledged and is in form sufficient to convey to the State of Ohio the fee simple title in said tract of land free and clear of all encumbrances.

Encumbrance estimate No. 4364 submitted with said abstract and deed shows that the same has been properly executed and the same shows that there are sufficient balances in the proper funds to pay the purchase price of this land. There has likewise been submitted to me a copy of a certificate, over the signature of the Secretary of the Controlling Board, showing that the board has approved the purchase of the land here under investigation for the price therein named.

I am herewith returning to you the said abstract of title, warranty deed, encumbrance estimate and controlling board certificate.

Respectfully,
EDWARD C. TURNER,
Attorney General.

3025.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF GEORGE H. WOOD,
IN CLINTON TOWNSHIP, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, December 15, 1928.

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

DEAR SIR:—There has been submitted to me a corrected abstract of title certified by the abstracter under date of December 6, 1928, relating to certain real property in Clinton Township, Franklin County, Ohio, and more particularly described as follows:

“Being in Range 18, Township 1, Quarter Section 3, United States Military Lands. Beginning at a stone of the southeast corner known as northwest corner of D. Hess’ land, also northeast corner of J. Slyh land on the west margin of a county road; thence west on the north line of J. Slyh’s land to the sectional line; thence north on the township line about 39 rods and 11 links; thence east parallel with first line to the east margin to a stone of the aforesaid road; thence south about 39 rods and 11 links to the place of beginning. Being the west part of land deeded by Ransom Coe to Daniel Easterday the 25th day of May, 1854, being 44 acres or land.

Also the following described piece of land, beginning at the northeast corner of the above described 44 acres conveyed by Daniel Easterday March 3, 1871, to Alvin Coe; thence west on the north line of said 44 acres to Clinton and Perry Township line; thence north on said line about one rod; thence east parallel with first line to the east margin of the aforesaid county road; thence south about one rod to the place of beginning, containing one acre the same being conveyed by Almond Coe to Alvin Coe January 10, 1874.”