

the property thereby conveyed. From the abstract of title submitted it appears that the only incumbrances upon this property are the taxes thereon and certain assessments levied to pay for certain improvements on the Flenniken Road.

It appears from the abstract that the taxes on the property here in question have been included in the taxes assessed on a tract or tracts of land aggregating in amount 94.629 acres of land standing of record in the name of Rhoda J. Sells, and that the taxes and assessments on the tract of land here under investigation have not been segregated from the taxes and assessments extended on the total acreage of land standing in the name of Rhoda J. Sells and now involved in said receivership proceedings. The abstract shows that the taxes on said total acreage for the year 1930 amount to \$682.60, to which amount there is to be added a penalty in the sum of \$34.13 for non-payment of the first half of said taxes, which were due and payable in December, 1930. It likewise appears that the undetermined taxes for the year 1931 are a lien upon said lands standing in the name of Rhoda J. Sells, which include the tract here under investigation.

In addition to the taxes above noted, assessments in the amount of \$1218.99 are a lien upon the total acreage above noted. Before the transaction for the purchase of the above described property is closed there should be a segregation of the taxes and assessments referable to said tract of land and which are a lien thereon, and an adjustment of such taxes and assessments should be made.

It will be noted that the deed form submitted to me has not yet been executed and acknowledged by said receiver, and care should be taken to see that said deed is properly executed and acknowledged before any warrant is issued covering the purchase price of said property.

Upon examination of encumbrance record No. 1464, I find that the same has been properly executed and approved and that there is shown thereby a sufficient unincumbered balance to pay the purchase price of said property, which purchase price is the sum of \$4,000.00.

It does not appear from the files submitted to me that the board of control has at any time approved the purchase of this property, or taken any action releasing the money necessary to pay the purchase price of the property. As above noted, however, it appears that the purchase price of this property is to be paid out of moneys accruing as interest on endowment funds owned and held for the use of Ohio State University, and as to such moneys it does not appear that any action of the board of control was necessary as a condition to their legal expenditure for the purpose of acquiring this property.

Respectfully,

GILBERT BETTMAN,

Attorney General.

3362.

APPROVAL, BONDS OF VILLAGE OF MARBLE CLIFF, FRANKLIN COUNTY, OHIO—\$12,271.12.

COLUMBUS, OHIO, June 26, 1931.

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