

3346.

## APPROVAL, CORRECTED ABSTRACT OF TITLE, ETC., TO LAND IN ALLEN TOWNSHIP, HANCOCK COUNTY, OHIO, OWNED BY CURTIS M. WISELEY AND EFFIE E. WISELEY.

COLUMBUS, OHIO, October 25, 1934.

HON. O. W. MERRELL, *Director, Department of Highways, Columbus, Ohio.*

DEAR SIR:—You recently submitted for my examination and approval a corrected abstract of title, warranty deed, encumbrance record No. 1456 and controlling board certificate, relating to the purchase by the state of Ohio for the use of your department, of a tract of land now owned of record by Curtis M. Wiseley and Effie E. Wiseley, in Allen Township, Hancock County, Ohio, which tract of land is more particularly described by metes and bounds as follows:

Beginning at a point at the intersection of the north line of Woodland Avenue (now vacated) and the east line of North Main Street in the City of Findlay; thence in a southerly direction along the east line of said North Main Street a distance of five hundred (500) feet to a point, said line being parallel to and forty-five (45) feet distant from the center line of said North Main Street; thence at right angles in an easterly direction a distance of eight hundred seventy-one and  $\frac{2}{10}$  (871.2) feet to a point; thence at right angles in a northeasterly direction parallel to the east line of North Main Street a distance of five hundred (500) feet to a point; thence at right angles in a westerly direction a distance of eight hundred seventy-one and  $\frac{2}{10}$  (871.2) feet to the place of beginning, and containing ten (10) acres more or less. Said tract being comprised of what was formerly lots number 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19 and 20 in Block "A"; lots 1-2-3-4-5-6-15-16-17-18-19 and 20 in Block "B" and lots 1 and 2 in Block "E" and parts of lots 7 and 21 in Block "B" and parts of lots 3-7-8-9-10-11-12 and 13 in Block "E," and parts of lots 1-2-3-4-5-6 and 7 in Block "F", in the Bigelow Hill Addition to the City of Findlay, together with all vacated streets and alleys within the limits of said tract.

Upon examination of the abstract of title to this property when said abstract was originally submitted for my examination, I found certain defects in the title to a larger tract of land owned of record by Curtis M. Wiseley and Effie E. Wiseley, which included the tract of land here in question. These defects were of such serious import that I was unable to approve the title to this property on the abstract submitted, all of which appears from my letter to you under date of August 22, 1934. Shortly after this letter was directed to you, Curtis M. Wiseley and Effie E. Wiseley as the owners of record of the larger tract of land above referred to, which, as stated, includes the land here in question, filed an action in the Common Pleas Court of Hancock County, Ohio, against a large number of persons whose names appear in the chain of title to a number of the lots comprised in the tract of land above described and against the heirs of such of these persons as might be dead, for the purpose of securing a judgment and decree of said court quieting the title to the larger tract of land owned by Curtis M. Wiseley and Effie E. Wiseley above referred to.

I have carefully examined the proceedings relating to this action to quiet title, as well as the abstract as a whole, and I am of the opinion that said pro-

ceedings and the order made by the court quieting the title of Curtis M. Wiseley and Effie E. Wiseley to this property has effectually cured the objections to the title to this property pointed out in my former communication to you. And from an examination of the abstract of title as corrected, I find that Curtis M. Wiseley and Effie E. Wiseley have a good merchantable title to the above described tract of land, subject only to the following exceptions:

1. On October 23, 1918, Curtis M. Wiseley and Effie E. Wiseley executed a mortgage upon the larger tract of land which includes the property here in question. This mortgage which was executed to one Henry Davis apparently for the purpose of securing a balance in the amount of \$2750.00 on the purchase price of this and other property, has not been cancelled of record and the same to the extent of the amount remaining unpaid upon the indebtedness secured by this mortgage, is a lien upon this property. Before the transaction for the purchase of the ten acre tract of land above described is consummated, this mortgage should be cancelled or released with respect to the property to be purchased by the state.

2. The abstract shows special assessments in the aggregate amount of \$49.52 against the property owned by the Wiseleys and these assessments are, of course, a lien upon the property here in question and upon other property owned by them.

3. In addition to the assessments above noted, it appears that there are unpaid taxes on this property up to and including the year 1933 in the amount of \$179.69. In addition to this, the undetermined taxes for the year 1934 are likewise a lien upon the property here in question. These taxes have accrued upon the larger tract of land owned by the Wiseleys, which includes the ten acre tract of land in question; however, these taxes are a lien upon this ten acre tract as well as upon the balance of the land, and the same should be adjusted and paid before the state takes title to this property.

4. It appears that upon February 7, 1930, one Frank Englehard filed in the office of the clerk of the Common Pleas Court of Hancock County, Ohio, a transcript from the docket of a justice of the peace in one of the townships of Hancock County and thereby secured a lien on this property with respect to the judgment in the sum of \$158.75, together with costs in the amount of \$9.07, which he had theretofore obtained in the court of such justice of the peace. This judgment and a transcript thereof to the amount remaining unpaid thereon is likewise a lien upon this property.

5. In addition to the foregoing, it is noted, that the Common Pleas Court of Hancock County, under date of October 22, 1934, rendered judgment against Curtis M. Wiseley and Effie E. Wiseley as plaintiffs in the action to quiet title, above referred to, for the costs of said action. The amount of these costs do not appear in the abstract but the same are a lien upon the property and should be ascertained and paid before the transaction for the purchase of this property is closed.

Upon examination of the warranty deed tendered by Curtis M. Wiseley and Effie E. Wiseley as the owners of record of the above described tract of land, I find that the same has been properly executed and acknowledged by said grantors. I further find that the form of said deed is such that the same is legally sufficient to convey this property to the state of Ohio by full fee simple title with a warranty that this property is free from all encumbrances whatsoever.

Encumbrance record No. 1456, which has been submitted as a part of the files relating to the purchase of this property, has been properly executed and the same shows that there is a sufficient unencumbered balance in the proper appropriation account to pay the purchase price of this property, which purchase price

is the sum of \$2100.00. It further appears that under date of July 25, 1934, the controlling board approved the purchase of the property here in question and released from the appropriation account the amount of money necessary to pay the purchase price thereof.

Subject to the exceptions above noted, the title of Curtis M. Wiseley and Effie E. Wiseley to this property as shown by the corrected abstract of title submitted, is approved and said abstract of title, together with the other files above referred to, are herewith returned to you.

Respectfully,  
JOHN W. BRICKER,  
*Attorney General.*

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3347.

APPROVAL, BONDS OF MIFFLIN TOWNSHIP RURAL SCHOOL DISTRICT, FRANKLIN COUNTY, OHIO—\$75,000.00.

COLUMBUS, OHIO, October 25, 1934.

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

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3348.

APPROVAL, CANAL LAND LEASE TO LAND IN CIRCLEVILLE, PICKAWAY COUNTY, OHIO, FOR RIGHT TO OCCUPY AND USE FOR RESIDENCE AND AGRICULTURAL PURPOSES—FRANK PUGH.

COLUMBUS, OHIO, October 26, 1934.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication in and by which you submit for my examination and approval a certain canal land lease in triplicate, executed by you in your official capacity to one Frank Pugh of Circleville, Ohio. By this lease, which is one for a stated term of fifteen years and which provides for an annual rental of twelve dollars, there is leased and demised to the lessee above named the right to occupy and use for residence and agricultural purposes that portion of the abandoned Ohio Canal lands in the City of Circleville, Pickaway County, Ohio, which is more particularly described as follows:

Beginning at a point in the northwesterly top water line of said abandoned canal that is approximately one hundred ten (110') feet southwest-erly from the southerly line of Mound Street in said city, said point being the northwesterly corner of a tract of land occupied by Maggie E. Strawser, under permit granted March 20, 1931, and running thence southeast-erly with Strawser's southwesterly line sixty (60') feet, more or less, to the southerly top water line, thence westerly with the southerly top water line two hundred (200') feet, more or less to the easterly line of a tract of land leased to Albert Rowe, under date of August 4, 1922, thence