

2152.

ABSTRACT, STATUS OF TITLE, LOT No. 13 OF HAMILTON'S SECOND GARDEN ADDITION; COLUMBUS, OHIO.

COLUMBUS, OHIO, January 15, 1925.

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

DEAR SIR:—An examination of an abstract of title submitted by your office to this department discloses the following:

The abstract under consideration was prepared by Adolph Haak & Company, Abstracters, August 10, 1905, a continuation thereto by Adolph Haak & Company, Abstracters, March 3, 1917, a continuation by Robert E. Pfeiffer, October 7, 1919, a continuation by Graves & Westervelt November 11, 1922, and a last continuation by E. M. Baldrige January 9, 1925, and pertains to the following premises:

“Being Lot No. 13 of Hamilton's Second Garden Addition; as the same is numbered and delineated upon the recorded plat thereof, of record in plat book 7, page 186, recorder's office, Franklin county, Ohio, excepting six feet off the rear end thereof reserved for the purpose of an alley.”

Upon examination of said abstract, I am of the opinion same shows a good and merchantable title to said premises in Allen Bohanen, subject to the following exceptions:

The release of the mortgage shown at section 8 of the first part of the abstract is in defective form, but as the note secured by the mortgage has been long past due, no action could be maintained upon same. The release shown at section 14 is also defective but shows that the notes secured by the mortgage were undoubtedly paid.

Attention is directed to the restrictions in the conveyance shown at section 1 of the continuation of March 3, 1917, wherein are found restrictions for a period of twenty-five years against the use of the premises for the erection of any buildings to be used for slaughter houses and the killing of animals, or the use of said premises for the sale of intoxicating liquors or malt beverages.

The abstract states no examination has been made in the United States District or Circuit Courts, nor in any subdivision thereof.

Attention is directed to three mortgages and a judgment lien shown in the last continuation of the abstract.

First, a mortgage by the present owner to the Buckeye State Building & Loan Company in the sum of \$925.00, covering the premises under consideration, and which is not satisfied of record.

Second, a mortgage to the Fifth Avenue Lumber Company in the sum of \$1,500.00 by the present owner, covering the premises under consideration, which is not cancelled of record.

Third, a mortgage to H. B. Hooker Company in the sum of \$198.91, covering the premises under consideration, and which is not cancelled of record.

Also a judgment against the present owner and Arthur G. Peck, in the sum of \$47.16 and costs in favor of one John T. Horrigan, which is a lien and not satisfied of record. The three mortgages and judgment above referred to should be satisfied and cancelled of record before the final consummation of the purchase of these premises.

The taxes on Lot 13 here under consideration, and the south half of the south half of Lot 12 under consideration in the accompanying abstract are both assessed as one parcel, and the taxes indicated below cover both parcels:

The taxes and penalty for previous years amounting to \$48.76 and the taxes for the year 1924, amounting to \$75.52, of which one-half, amounting to \$37.76, was due

in December, 1924, are a lien. These taxes should be paid and a receipt showing payment obtained before the title is accepted.

It is suggested that the proper execution of a general warranty deed by Allen Bohanon and wife, if married, will be sufficient to convey the title to said premises to the State of Ohio when properly delivered.

Attention is also directed to the necessity of the proper certificate of the Director of Finance to the effect that there are unincumbered balances legally appropriated sufficient to cover the purchase price before the purchase can be consummated.

The abstract submitted is herewith returned.

Respectfully,
C. C. CRABBE,
Attorney-General.

2153.

APPROVAL, FINAL RESOLUTION, ROAD IMPROVEMENT IN MORGAN COUNTY.

COLUMBUS, OHIO, January 15, 1925.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

2154.

ABSTRACT, STATUS OF TITLE, SIX HUNDRED AND SIXTY-SEVEN (667) ACRES OF LAND, MORE OR LESS, LOCATED IN FRANKLIN, HUNTINGTON AND SCIOTO TOWNSHIPS OF ROSS COUNTY, OHIO.

COLUMBUS, OHIO, January 16, 1925.

HON. EDMUND SECREST, *State Forester, Ohio Agricultural Experiment Station, Wooster, Ohio.*

DEAR SIR:—An examination of the deed, abstract of title and encumbrance estimate submitted by you to this department discloses the following:

The warranty deed as submitted appears to be in proper form and properly executed and it is believed that upon proper delivery of same the deed as submitted will be sufficient to convey the title of the premises under consideration to the State of Ohio.

However, your attention is directed to the fact that the dating of the deed is not complete, in that the day of the month has not been indicated. This should be corrected before the deed is accepted.

Your attention is also directed to the fact that the deed as submitted does not indicate whether or not William Carson and Louis Ward Carson are married or unmarried. You will readily appreciate that if either of these grantors are married, a release of dower in the deed by their wives would be imperative.

The abstract under consideration was prepared by Harry B. Grace, Abstracter, under date of December 20, 1924. At page 9 of the abstract as submitted, reference is made to an abstract previously submitted to this department and now on file in the office of the Auditor of State of Ohio, known as the Martin Abstract, and which ab-