

Taxes for the year 1923, although as yet undetermined, are a lien against the premises.

It is suggested that the proper execution of a general warranty deed by Alenson L. McDowell 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 unencumbered 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.

660.

ABSTRACT, STATUS OF TITLE, SOUTH HALF OF LOT NO. 85,
HAMILTON'S SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, August 22, 1923.

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, and a continuation thereto made by Lee F. Johnston, Attorney; October 29, 1914, and a further continuation thereto August 16, 1923, by E. M. Baldrige, Attorney, and pertains to the following premises:

The south half of Lot No. 85 of Hamilton's Second Garden Addition to the city of Columbus, Ohio, as the same is numbered and delineated on the recorded plat thereof, recorded in Plat Book 7, page 186, Recorder's Office, Franklin County, Ohio, saving and excepting therefrom six feet off the rear and 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 Avel Heber, subject to the following exceptions:

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

Attention is directed to the restrictions in the conveyance shown at section 2 of the continuation of October 29, 1914, 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 deed shown at section 1 of the continuation of October 29, 1914, does not show an acknowledgement or signing of the deed by Flora Hamilton. This we believe, however, is only an error of the copyist, as the same instrument abstracted in other abstracts submitted by you show proper acknowledgment and signing.

Taxes for the year 1923, although as yet undetermined, are a lien against the premises. Section 9 of the last continuation shows the premises stand charged for taxation on the grand duplicate in the name of Avel Heber *as Lot No. 85*. This probably should be the south half of Lot No. 85.

It is suggested that the proper execution of a general warranty deed by Avel Heber and husband, 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 unencumbered balances legally appropriated sufficient to cover the purchase price before the purchase can be consummated.

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

The abstract submitted is herewith returned.

Respectfully,

C. C. CRABBE,

Attorney General.

661.

ABSTRACT, STATUS OF TITLE, SOUTH HALF OF LOT NO. 80,
HAMILTON'S SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, August 22, 1923.

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 & Co., Abstracters, August 10, 1905, and a continuation thereto made by Graves and Westervelt, Abstracters, August 17, 1923, and pertains to the following premises:

The south half of Lot 80 of Hamilton's Second Garden Addition to the city of Columbus, Ohio, as the same is numbered and delineated on the recorded plat thereof, recorded in Plat Book 7, Page 186, Recorder's Office, Franklin County, Ohio, saving and excepting therefrom 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 Edna Van Tassel, subject to the following exceptions:

The release of the mortgages shown at sections 8 and 14 of the first part of the abstract are in defective form, but as the note secured by the mortgage shown