

After an examination, it is my opinion that said abstract shows the title to said premises to be in the name of Adelaide R. Burdge free and clear from encumbrances excepting that the taxes due and payable in December, 1932, amounting to \$15.27 are unpaid and a lien.

You have submitted an encumbrance estimate under date of December 15, 1932, indicating that there are unencumbered balances in the sum of One Thousand Dollars (\$1,000.00) legally appropriated for the purchase of said property.

You have further submitted deed in which the said Adelaide R. Burdge grants said premises to the State of Ohio free and clear from encumbrances excepting the taxes and assessments due and payable on and after December, 1932. Under the terms of said deed, it will be the duty of the grantor to pay the taxes due in December, 1932.

Said abstract, encumbrance estimate and deed are being returned herewith.

Respectfully,

GILBERT BETTMAN,

Attorney General.

4839.

APPROVAL, BONDS OF CUYAHOGA COUNTY, OHIO—\$250,000.00.

COLUMBUS, OHIO, December 24, 1932.

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

4840.

APPROVAL, CORRECTED ABSTRACT OF TITLE TO LAND IN HIGHLAND COUNTY, AND ABSTRACT OF TITLE TO LAND IN HIGHLAND COUNTY, OF MAUDE B. MATTHEWS.

COLUMBUS, OHIO, December 27, 1932.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination a corrected abstract, deed, copy of real estate option, plat, abstracter's certificate and supplementary papers drawn up by abstracter, relating to the proposed purchase of a 758 acre tract of land, situated partly in Brushcreek Township, Highland County, Ohio, and partly in Perry Township, Pike County, Ohio, and lying on the easterly side of State Highway No. 41, from Maude B. Matthews. You have also submitted for my examination an abstract of title, deed, copy of authority of the State Controlling Board and encumbrance estimate No. 1800, relating to the proposed purchase of a 466 acre tract of land situated in Highland County, Ohio and lying on the westerly side of State Highway No. 41, from said Maude B. Matthews. The two tracts above mentioned are contiguous, being separated only by said State Highway No. 41.

Under date of March 15, 1932, Opinion No. 4150 was directed to you analyzing the abstract first submitted to me relative to said 758 acre tract. Because

of a great number of deficiencies in the abstract, my approval of the title of said tract was not given in that opinion. However, the corrected abstract, last certified under date of August 13, 1932, taken together with a number of affidavits, now makes it appear that said Maude B. Matthews has a good and merchantable fee simple title to said 758 acre tract. The encumbrance estimate and the authority of the State Controlling Board, relating to said 758 acre tract, were approved in my former opinion.

The abstract covering the 466 acre tract, certified under date of August 13, 1932, discloses that said Maude B. Matthews has a good and merchantable fee simple title to said land. Encumbrance estimate No. 1800 shows that there is sufficient money remaining in the proper appropriation account to pay for said land. The authority of the State Controlling Board has been given to make said purchase.

The two tracts of land are subject to the following mortgages, all made by Maude B. Matthews and Harley V. Matthews, her husband, to the Home Building and Loan Company of Greenfield, Ohio, viz.:

1. A mortgage for \$2,000.00, executed in 1925;
2. A mortgage for \$3,000.00, executed in 1926;
3. A mortgage for \$1,000.00, executed in 1927;
4. A mortgage for \$ 675.00, executed in 1928.

Regarding the status of the taxes on said two tracts of land, the latest information furnished is as follows: The land which is situated in Highland County, Ohio, is subject to \$182.63 of delinquent taxes; this does not include the taxes for the year of 1932, which, of course, are now a lien upon the property. The land which is situated in Pike County, Ohio, is subject to delinquent taxes and penalties in the amount of \$96.07; this does not include the taxes for the year of 1932.

The proposed deed to the State of Ohio for said 758 acre tract of land is executed in proper form, with release of dower, to convey a fee simple title to the State of Ohio. Said deed excepts a private cemetery of about one-quarter of an acre. Likewise, the proposed deed to the State of Ohio for said 466 acre tract is executed in the proper form, with release of dower, to convey a fee simple title to the State of Ohio. The latter deed grants to the State of Ohio, its agents, employes, or representatives, a right of way for ingress and egress to the real estate which is the subject of said deed, over the road as now located or as near thereto as practicable, which leads from State Highway No. 41 to the residence of the grantors. Each deed excepts the taxes for the year 1932 payable in December 1932 and in June 1933, and states that the grantee assumes and agrees to pay the same.

Enclosed please find all of the documents and papers which were acknowledged above as having been received. Also, you will find enclosed a number of affidavits relating to said land which were procured by this office.

Respectfully,

GILBERT BETTMAN,
Attorney General.