

3040.

APPROVAL, ABSTRACT OF TITLE TO LAND OF JOHN HAMILTON,
IN HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, December 20, 1928.

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

DEAR SIR:—There have been submitted supplements to the abstract of title certified by John C. Pettit under date of October 5, 1928, relating to the following described premises:

“Situated in the County of Hocking and in the State of Ohio, to wit:

A part of the Northeast Quarter of Section 15, Township 11, Range 18, (Benton Township) beginning at the West line of said Northeast Quarter at the top of the rocks on the North line of Queer Creek; thence eastwardly with the main cliff of said rocks to the section line, and being the lands in said Quarter Section lying South of said cliff or rocks, estimated to contain thirty acres more or less.

Also, a right of way twenty feet wide through lands reserved in Sections 15 and 16 to the public road located through said lands in conformity to the present private road now through said lands.”

In my former opinion No. 3020, issued December 14, 1928, it was pointed out that the title could not be approved for the three reasons therein set forth. The additional data submitted consists of, first, an affidavit to the effect that there are not now living any wives of Josiah Hamilton, which disposes of the first objection therein noted; an affidavit from John M. Hamilton to the effect that Carrie Hamilton and Louisa Hamilton, the grantees in the conveyance shown at Section 38, were the wives of the grantors, which disposes of the second objection noted in said former opinion; a certified copy of an affidavit of transfer, which has been filed for record in Hocking County, Ohio, showing the transfer of said premises from Carrie Hamilton, deceased, to her heirs; also an affidavit establishing that the estate of the said Carrie Hamilton is fully administered and all of her debts paid, which disposes of the third objection noted in said former opinion.

From an examination of said abstract, together with the supplements thereto, it appears that John M. Hamilton owns the undivided one-half of said premises. It further appears that Robert M. Hamilton and Gail G. Hamilton own the undivided one-half of said premises subject to the dower interest of Ernest M. Hamilton, widower of Carrie Hamilton, deceased.

You have further submitted a deed from the above mentioned owners of said premises, which it is believed is executed in proper form and sufficient, when delivered, to convey the title of the premises to the state.

You have further submitted an encumbrance estimate containing the certificate of the Director of Finance to the effect that unencumbered balances duly appropriated are available for the purpose of purchasing said premises.

There has further been submitted a copy of the minutes of the Controlling Board indicating a proper release of said fund.

It should be mentioned that the taxes for the year 1928 are unpaid and a lien.

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

Respectfully,
EDWARD C. TURNER,
Attorney General.