

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

Taxes for the year 1923, amounting to \$11.40, are unpaid and a lien. The balance of a special assessment for the improvement of Clara Street, amounting to \$145.28, is a lien, of which \$27.05 and interest will be due in June, 1924. There is also an unpaid street cleaning assessment, in the sum of \$.87, which is unpaid and a lien.

It is suggested that the proper execution of a general warranty deed by Ernest F. McClain, 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.

1196.

ABSTRACT, STATUS OF TITLE, SOUTH HALF OF LOT NO. 60 OF HAMILTON'S SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, February 13, 1924.

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 E. M. Baldridge, Attorney-at-Law, February 8, 1924, and pertains to the following premises:

The south half of Lot No. 60 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 Roland B. Richards, subject to the following exceptions:

The release of the mortgage shown at section 8 of the first part of the abstract is defective in 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 3 of the continuation of February 8, 1924, 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.

Taxes for the last half of year 1923, amounting to \$2.72 are a lien and due and payable in June, 1924. A special assessment in the sum of \$42.73 for the improvement of Clara Street is a lien. The next installment thereof of \$14.24 with interest will be due December, 1924.

It is suggested that the proper execution of a general warranty deed by Roland B. Richards 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.

1197.

ABSTRACT, STATUS OF TITLE, LOT NO. 37 OF HAMILTON'S SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, February 13, 1924.

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 W. L. Morrow, Attorney-at-Law, January 29, 1924, and pertains to the following premises:

Lot No. 37 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 to James M. Abernathy, 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