

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 May 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 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, although as yet undetermined, are a lien against the premises. There is also a balance of assessments for the improvement of Clara Street, amounting to \$113.95, the next installment of which, amounting to \$28.48, with interest, will be due in December, 1923.

It is suggested that the proper execution of a general warranty deed by Iwilda M. Phillips Thorp, 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 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*

754.

ABSTRACT STATUS OF TITLE SOUTH HALF OF LOT 55 AND NORTH HALF OF LOT 56, HAMILTON'S SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, September 17, 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 continuations made thereto by Graves & Westervelt on March 3, 1919, April 2, 1920, and November 28, 1922, and by E. M. Baldrige on September 1, 1923, said abstract pertaining to the following premises:

“The south half of lot 55 and the north half of lot 56 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 of each lot 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 Earl L. and Cordelia M. Thrcp, 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 on the first continuation, 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, although as yet undetermined, are a lien against the premises. There is also a balance of assessments for the improvement of Clara Street amounting to \$113.90, the next installment of which, amounting to \$28.48, with interest, will be due December, 1923.

It is suggested that the proper execution of a general warranty deed by Earl L. and Cordelia N. Throp, 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.*

755.

ABSTRACT, STATUS OF TITLE, SOUTH HALF OF LOT 56, HAMILTON'S SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, September 17, 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 made thereto by T. E. & J. M. Lewis, attorneys at law, August 31, 1923, and pertains to the following premises:

"The south half of lot 56 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 on 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 purposes of an alley.

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