

2260.

APPROVAL, ABSTRACT OF TITLE TO LAND OF G. F. THOMAS, IN
JEFFERSON TOWNSHIP, ADAMS COUNTY, OHIO.

COLUMBUS, OHIO, August 23, 1930.

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

DEAR SIR:—There has been submitted for my examination and approval a corrected abstract of title certified by the abstracter under date of August 21, 1930, a warranty deed, encumbrance estimate No. 4767 under date of December 4, 1928, and board of control certificate, relating to the proposed purchase by the State of Ohio of a certain tract of land in Jefferson Township, Adams County, Ohio, which is owned of record by G. F. Thomas, Trustee in Trust for the Bank of Peebles, Ohio. This tract, which comprises about two hundred and ninety-nine acres of land, is more particularly described as follows:

“Beginning at a stone marked ‘P’ S. E. corner to Martin Moore’s pre-emption claim, and S. W. corner to Lot 173 and N. W. corner of Lot 174; thence S. 46 deg. E. 34 poles to a stone on the edge of the creek, a Hornbeam 4 in. in diameter bears S. 28 deg. W. 2 links; thence S. 27 deg. E. 10 poles to an Elm stump; thence 55 deg. 30’ E. 34 poles to a Black Oak and Poplar; thence S. 42 deg. E. 14 poles to a Beech; thence S. 57 deg. 45’ E. 12 poles to a Hornbeam; thence S. 30 deg. 30’ E. 24 poles, passing the mouth of Spice Lick crossing Churn Creek twice to a Dogwood; thence S. 65 deg. 30’ E. 40 poles to a stone; thence S. 35 deg. 30’ E. 10½ poles to two Hornbeams; thence S. 24 deg. 30’ W. 16½ poles up the hill to two Black Locusts in Martin Brown’s fence; thence with the fence S. 63 deg. W. 12 poles to a Black Locust; thence S. 79 deg. W. 18 poles to a Black Locust; thence S. 35 deg. W. 22 poles to a stone in the line of Lot No. 42; thence S. 40 deg. 30’ E. 284 poles to a stone in the line of Survey 15625 on the head of Upper Twin Creek; thence with one line of said Survey N. 48 deg. 30’ E. 37 poles to a stone on the hillside in the line between the Counties of Adams and Scioto; thence with said line N. 2 deg. 47’ W. 346 poles, crossing a divide the head of Churn Creek and Nellie Sutton, to a stone 10 links N. of three small White Oaks, S. E. corner to said Lot No. 173; thence with one line thereof W. 280 poles to the beginning, crossing several branches, containing 347 acres, more or less, save and except a certain tract or parcel of land, a part of said lot No. 174, containing 48 acres heretofore conveyed to one John Moore by Warranty Deed dated January 6, 1883, and duly recorded in Vol. No. 62, Page 233, Records of Deeds of Adams County, Ohio, and leaving to be conveyed by this deed 299 acres, more or less, being part of Lot 174.”

A number of opinions have been rendered by this office, both by my predecessor, Hon. E. C. Turner, and by myself, in which the title of said G. F. Thomas, Trustee, in and to this property was disapproved by reason of certain manifest irregularities in the court proceedings by which Mr. Thomas obtained the record title to this property as trustee for said bank. No useful purpose will be served in this opinion by recapitulating the objections to the title noted in said former opinions. It is sufficient to say that supplemental proceedings have been had from time to time for the purpose of correcting the objections noted in said former opinions. The last proceeding of this kind was had in June of this year in the Court of Common Pleas of Adams County, and without discussing said proceeding I am of the opinion that the

same effectually cures the objection noted and emphasized in my last opinion to you with respect to this matter. I am of the opinion, therefore, on consideration of the corrected abstract of title now submitted to me, that G. F. Thomas, as trustee for the Bank of Peebles, Ohio, has a good, merchantable fee simple title to the above described property which he can convey to the State of Ohio, and his title to said property is accordingly hereby approved.

The warranty deed of said G. F. Thomas, Trustee, was executed and acknowledged by him under date of December 11, 1928, and said deed was at that time tendered to the State of Ohio. Upon examination of this deed I find that the same has been properly executed and acknowledged and that as to form said deed is sufficient to convey the above described property to the State of Ohio, free and clear of all encumbrances whatsoever.

Encumbrance estimate No. 4767, above referred to, was issued against an appropriation made to the Ohio Agricultural Experiment Station for the preceding biennium. I am advised, however, that there has been set up and preserved an account of encumbered funds to meet any voucher that may be issued pursuant to and covering this encumbrance estimate; and inasmuch as said encumbrance estimate was properly executed and approved at the time the same was issued it is hereby approved.

It is further noted that the board of control under date of December 14, 1928, approved the purchase of the above described property, which fact is evidenced by the certificate of said board issued over the signature of its secretary under said date.

I am, therefore, herewith returning with my approval said corrected abstract of title, warranty deed and controlling board certificate.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2261.

APPROVAL, BONDS OF WILLOUGHBY VILLAGE SCHOOL DISTRICT—
\$35,500.00.

COLUMBUS, OHIO, August 25, 1930.

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

2262.

APPROVAL, BONDS OF PARMA VILLAGE SCHOOL DISTRICT, CUYA-
HOGA COUNTY, OHIO—\$35,000.00.

COLUMBUS, OHIO, August 25, 1930.

State Teachers Retirement Board, Columbus, Ohio.