

In this connection, I note that the abstract contains two affidavits, one signed by said Katherine H. Schlechty and the other signed by one Christopher Bacon, relating to the possession of said Katherine H. Schlechty of lots in the town of Fort Jefferson. The statements in both of said affidavits with respect to the adverse character of the possession of said lots held by said Katherine H. Schlechty are hardly more than mere conclusions on the part of said affiants, and are not of the evidential and operative nature required by this department in affidavits to show legal title to land by adverse possession. Moreover, it is noted that the affidavit of Katherine H. Schlechty refers to lots 45 and 46 in the town of Fort Jefferson and there is no reference in her affidavit to lot No. 44, the title to which is here in question. I do not see how under the facts as they appear in this abstract, I can approve the title of Katherine H. Schlechty to said lots 44 and 45 in the plat of the town of Fort Jefferson, and her title to said lots is hereby disapproved.

An examination of the warranty deed tendered by said Katherine H. Schlechty shows that the same has been properly executed and acknowledged by her and by her husband Virgil Schlechty, and that said deed is in form sufficient to convey to the State of Ohio a fee simple title to all of the above described property free and clear of all encumbrances whatsoever.

As pointed out in Opinion No. 720 of this department, directed to you under date of August 8, 1929, the deed of said Katherine H. Schlechty for such property as she may own, the acquisition of which is sought by the Greenville Historical Society, should, under the provisions of House Bill No. 143 above referred to, be executed and delivered to the Greenville Historical Society, which Society should in turn convey the property acquired by it to the State of Ohio. Moreover, no deed conveying said lots 44 and 45 in the plat of the town of Fort Jefferson should be accepted by either the Greenville Historical Society or by the State of Ohio until it is shown that said Katherine H. Schlechty has a good and merchantable legal title to said lots.

I am herewith returning said abstract of title and warranty deed.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1121.

APPROVAL, ABSTRACT OF TITLE TO LOTS 42 AND 43 OF TOWNSHIP TRUSTEES OF NEAVE TOWNSHIP IN DARKE COUNTY—DISAPPROVAL, LOTS 48 AND 49 OF SAME.

COLUMBUS, OHIO, October 29, 1929.

HON. HARRY D. SILVER, *Director of Finance, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval an abstract of title relating to certain lots and parcels of land owned of record by the trustees of Neave Township, Darke County, Ohio, the same being located in said county and being more particularly described as Lots Nos. 42, 43, 48 and 49 on the plat of the town of Fort Jefferson, Ohio.

Upon examination of the abstract of title submitted, I find that the township trustees of Neave Township, Darke County, Ohio, have a good and merchantable fee simple title to lots Nos. 42 and 43 of the plat of the town of Fort Jefferson, Ohio.

I am, however, unable to approve the title of said township trustees to lots Nos. 48 and 49, above mentioned, for the following reason:

It appears that on and after August 24, 1847, said lots Nos. 48 and 49 in the town of Fort Jefferson were owned by one Job DeCamp. Thereafter, in certain partition proceedings in the Court of Common Pleas of Darke County, instituted by one Harriett Delaplane against Catherine Jones, et al., said lots Nos. 48 and 49 were sold and conveyed by the sheriff of Darke County to J. H. Miles, F. D. Coppock, William Patty, Joe F. Coppock and W. O. Patty. Thereafter, on August 31, 1907, said lots Nos. 48 and 49 were conveyed to the trustees of Neave Township, Darke County, Ohio. It does not appear from the abstract, however, that said deed was signed by said W. O. Patty, one of the tenants-in-common of said lots under the conveyance above referred to, although it does appear that the deed conveying these lots to the trustees of Neave Township was signed by one Maggie A. Patty, wife of said W. O. Patty. The deed here in question was signed by William Patty, but the title conveyed by the same is apparently defective for the reason that the same was not signed by his wife.

The title of the township trustees of Neave Township, Darke County, Ohio, as to said lots Nos. 48 and 49 is accordingly hereby disapproved.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1122.

APPROVAL, BONDS OF VILLAGE OF OAK HILL, JACKSON COUNTY—
\$6,578.76.

COLUMBUS, OHIO, October 29, 1929.

Industrial Commission of Ohio, Columbus, Ohio.

1123.

APPROVAL, BONDS OF VILLAGE OF GARFIELD HEIGHTS, CUYAHOGA
COUNTY—\$19,000.00.

COLUMBUS, OHIO, October 29, 1929.

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

1124.

APPROVAL, BONDS OF WILMINGTON CITY SCHOOL DISTRICT, CLIN-
TON COUNTY—\$80,000.00.

COLUMBUS, OHIO, October 29, 1929.

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