

5081.

APPROVAL—ABSTRACT OF TITLE, ETC., TO LAND IN COLUMBUS, FRANKLIN COUNTY, OHIO—COLUMBIA E. YOSTE.

COLUMBUS, OHIO, January 7, 1936.

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

DEAR SIR: You have submitted an abstract of title, which has been continued several times, and at last brought down to December 28, 1935, 7 A. M. by Wendell H. Lilley, abstractor, showing the status of the following described premises:

“Lot Twenty-eight (28) R. P. Woodruff’s subdivision of the south half of the south half of Lot No. 278 R. P. Woodruff’s Agricultural College Addition as same is numbered and delineated upon the recorded plat thereof, of record on Plat Book 3—page 421, Recorder’s Office, Franklin County, Ohio.”

and in addition thereto a package of papers from the Probate Court of Monroe County, Michigan, showing that said Columbia E. Yoste died intestate on the 28th day of January, 1926, and her estate was administered and closed up on or about the 19th day of August, 1926. By an affidavit for transfer and record of the real estate in question, duly made and executed by one Gladys C. Towles of Taylor County, West Virginia, she makes oath that she is 38 years of age and the daughter and sole and only heir at law and next of kin of said Columbia E. Yoste and, as such, inherited said real estate heretofore described.

Further in said package of papers is a quit-claim deed of one John T. Yoste, a single man, quit-claiming the title to said lot above described, to Gladys C. Towles and among other things reciting “the said C. E. Yoste and Columbia E. Yoste, being one and the same person, and the wife of the grantor herein”.

Further in said papers, there is a certified copy of a hearing before the Probate Court, of a petition of John T. Yoste, praying for the allowance of his final account as administrator of said estate and, it appearing that due notice of a hearing thereon was given, as directed by said Probate Court, and that the petitioner appeared and also Gladys C. Towles, the daughter and sole heir at law of said decedent, appeared and consented thereto. It was duly ordered that said account be allowed and further

ordered therein that a parcel of land situated in Franklin County, being the lot heretofore described in this opinion, be assigned to said Gladys C. Towles, the sole heir at law, subject to the laws of descent of said estate and the said administrator having filed receipts for all claims of inheritance taxes, he was by said Probate Court duly discharged and his bond cancelled and letters revoked.

Upon examination thereof, the said abstract shows a good and merchantable title in the name of Columbia E. Yoste, which with the said quit-claim deed of John T. Yoste and the affidavit of Gladys C. Towles, shows title of said above described property to now be in the said Gladys C. Towles, subject to the taxes for the year 1935, amount not yet determined, which are a lien.

There has been presented to me a warranty deed duly executed by Gladys C. Towles and William L. Towles, her husband, in which he releases his dower rights conveying to the State of Ohio, its successors and assigns forever, the lot heretofore described. I am of the opinion that preceding the final acceptance of said warranty deed and the payment of the consideration of money for the property by the State, the quit-claim deed of John T. Yoste to Gladys C. Towles, should be filed by Mrs. Towles for record in Franklin County, as well as the affidavit by Mrs. Towles for transferring the title from Columbia E. Yoste to her to be also filed before the warranty deed is placed on record. Likewise before the paying of the purchase money to Mrs. Towles and taking her deed, you should see that no mortgage has been delivered for record in the Recorder's Office of Franklin County, Ohio, for the lot in question and likewise see that no encumbrance liens have been perfected by any person on the lot in question.

With the matter contained in the abstract supplemented in the manner and form hereinbefore related, I think will convey to the State of Ohio a good and merchantable title to the lot in question.

You have further submitted a certificate of the Director of Finance, under date of January 11, 1935, to the effect that there is \$500.00 in the appropriation, for interest on endowment, which is encumbered for that amount, of which the purchase price may be paid. The abstract and other papers and encumbrance estimate are being returned herewith.

Respectfully,

JOHN W. BRICKER,
Attorney General.