

1005.

APPROVAL, NOTE OF THE SMITHFIELD VILLAGE SCHOOL DISTRICT,
JEFFERSON COUNTY, OHIO—\$10,000.00.

COLUMBUS, OHIO, September 15, 1927.

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

1006.

APPROVAL, BONDS OF FRANKLIN SCHOOL DISTRICT, MUSKINGUM
COUNTY, OHIO—\$20,000.00.

COLUMBUS, OHIO, September 15, 1927.

Industrial Commission of Ohio, Columbus, Ohio.

1007.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND AT BUCKEYE LAKE,
FAIRFIELD COUNTY, OHIO.

COLUMBUS, OHIO, September 15, 1927.

Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.

GENTLEMEN:—You have resubmitted for my examination and opinion an abstract of title, warranty deeds and encumbrance estimates pertaining to the proposed purchase of three tracts of land at Buckeye Lake, in Fairfield County, Ohio, from Fred C. Lieber and Mary Lieber, his wife, Stella M. Lathem and Caroline L. Huber, respectively, for road purposes.

The abstract was prepared by Ralph Norpell, abstracter; was certified under date of March 31, 1927, and covers the three tracts above referred to. The descriptions of said tracts having been set out in full in my opinion to you under date of June 9, 1927, bearing number 595, said descriptions are not repeated in this opinion.

With reference to the first tract, which it is proposed to purchase from Fred C. Lieber and Mary Lieber, his wife, I am of the opinion that the abstract shows a good and merchantable title in said Fred C. Lieber, subject to the following:

1. At Item 24 of the abstract, there is shown an oil and gas lease from Fred C. Lieber and Mary Lieber, his wife, to The Ohio Fuel Supply Company, dated November 27, 1920, for the term of twenty (20) years, and so much longer as oil and gas, etc., is produced in paying quantities. Accompanying the abstract is what purports to be a copy of a release executed by said The Ohio Fuel Supply Company dated September 1, 1927, by the terms of which the lessee surrenders and cancels the lease as to that portion of the property which is to be transferred to the State of Ohio. This instrument apparently was acknowledged before a notary public, whose seal is not attached to the copy accompanying the abstract, nor is there anything to show that the release has been filed with the Recorder of Fairfield County. The description of the land released is also defective. It follows the description in the deed from Fred C. Lieber and wife, the defects of which are pointed out in the following paragraph. The release should be redrafted, re-executed, filed with the auditor of Fairfield County for record, and a true copy of said release showing the filing thereof should accompany the abstract.

2. The description in the deed from Fred C. Lieber and wife to the State of Ohio is defective in that it describes the land as being all the land owned by the grantor lying between the easterly line of the Buckeye Lake property, as owned by the State of Ohio, and another line which is described by courses and distances. The deed should contain a description of the entire boundary; that is, all of the sides of the tract should be specifically described.

3. According to the abstract, the June, 1927, installment of the 1926 taxes on the Lieber tract is unpaid, as well as the 1927 taxes, the amount of which is yet undetermined. All of these taxes are a lien.

With reference to the second tract which it is proposed to purchase from Stella M. Lathem, I am of the opinion that the abstract shows a good and merchantable title in said Stella M. Lathem, subject to taxes for the year 1927, which are unpaid and a lien.

With reference to the third tract which it is proposed to purchase from Caroline L. Huber, I am of the opinion that the abstract shows a good and merchantable title in said Caroline M. Huber, subject to taxes for the year 1927, which are unpaid and a lien.

I am returning herewith the abstract of title, warranty deeds, encumbrance estimates and other papers submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1008.

CLERK OF COURT—AUTHORITY TO ADMINISTER THE OATH TO AN
AFFIDAVIT—ISSUANCE OF SEARCH WARRANT.

SYLLABUS:

1. *By the terms of Section 2873, General Code, the clerk of the Court of Common Pleas has authority to administer the oath to an affidavit charging a violation of Sections 6212-13 to 6212-20, General Code.*