

1530.

APPROVAL, ABSTRACT OF TITLE TO LAND OF CHARLES H. MAY IN
CITY OF PIQUA, MIAMI COUNTY, OHIO.

COLUMBUS, OHIO, February 17, 1930.

HON. A. W. REYNOLDS, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—Under date of December 19, 1929, I directed to you Opinion No. 1311 with respect to the title of one Charles H. May to in-lots 5009 to 5015, inclusive, and in-lots 5034 to 5055, inclusive, in Charles H. May's Addition to the city of Piqua in Washington Township, Miami County, Ohio.

In this opinion I found from the corrected abstract of title submitted to me that Charles H. May, the owner of record of said premises, had a good and merchantable fee simple title to said property, free and clear of all encumbrances except taxes for the year 1929 and any special assessments which might be a lien upon said property. In said opinion your attention was called to a typographical error in the certificate of the abstracter with respect to the name of the owner of said premises; but subject to these exceptions the title of said Charles H. May in and to the property under investigation was approved.

In Opinion No. 1358 under date of January 2, 1930, which opinion was directed to you primarily for the purpose of indicating my approval of the warranty deed tendered by Charles H. May to the State of Ohio conveying the above described property, the particular lots and premises under investigation were by inadvertence, referred to as in-lots 5009 to 5015, inclusive, only; and in said opinion your attention was again called to the typographical error in the certificate of the abstracter with respect to the name of the owner of the property. This opinion, in which the title of Charles H. May was approved subject only to the taxes for the year 1929 and any special assessments that might be due was clearly intended to refer to and cover not only in-lots 5009 to 5015, inclusive, in Charles H. May's Addition to the city of Piqua, but likewise lots 5034 to 5055, inclusive, of said addition.

Under date of February 8, 1930, you again submitted the corrected abstract of title with respect to this property to me for approval and upon inspection of the same I note that the error in the certificate of the abstracter with respect to the name of the owner of the property has been corrected. With the abstract of title you have again submitted to me the deed executed by Charles H. May and Mary L. May, conveying the above described property to the State of Ohio. From an inspection of this deed and the notations thereon, it is perceived that the delivery of the same has been accepted and that said deed has been filed and recorded. From this circumstance, I assume that some adjustment was made by you with the owner with respect to the taxes for the year 1929 which were noted as a lien on said premises in the former opinion of this department. Proceeding with this assumption, the title of the state with reference to the property thus obtained by the deed above referred to is approved in accordance with the former opinion of this department above referred to.

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

Respectfully,

GILBERT BETTMAN,
Attorney General.