

described real property, subject to the exception above noted with respect to said party wall and the rights of the owners of said contiguous property therein, is owned and held by said Rollie B. Cochrane and Lillian B. Cochrane, free and clear of all incumbrances except the taxes thereon.

With respect to such taxes it appears from said abstract, which is certified by the abstractor under date of March 26, 1931, that the taxes on this property for the last half of the year 1930, amounting to the sum of \$237.71, are unpaid, and are a lien upon said property.

From the abstract of title submitted it appears that there are no unpaid special assessments on this property.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

3113.

APPROVAL, WARRANTY DEED RELATING TO PURCHASE OF LAND IN  
THE CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, April 1, 1931.

*State Office Building Commission, Columbus, Ohio.*

GENTLEMEN:—There has been submitted for my examination and approval warranty deed and encumbrance record No. 662 relating to the proposed purchase by the State of Ohio of a parcel of real estate situated in the City of Columbus, Franklin County, Ohio, which is more particularly described as follows:

Being part Inlot Number One Hundred and Twenty-six (126) as the same is numbered and delineated on plat thereof, recorded in Deed Book "F", page 332, Recorder's Office, Franklin County, Ohio. Bounded and described as follows, beginning at a point in east line said Inlot 126, thirty-two and one-half (32- $\frac{1}{2}$ ) feet north of south-east corner thereof; thence north along the east side of said Inlot sixty-five (65) feet; thence westerly on a line parallel with south line of said Inlot sixty-two and one-half (62- $\frac{1}{2}$ ) feet to west line thereof; thence south along the west line of said Inlot, sixty-five (65) feet to a point; thence east on a line parallel with south line said lot sixty-two and one-half (62- $\frac{1}{2}$ ) feet to place of beginning.

The title to the above described parcel of land was considered in Opinions Nos. and directed to you under even date herewith, in which opinions I found that Rollie B. Cochrane and Lillian B. Cochrane, as tenants in common, have a good and indefeasible fee simple title to said property, free and clear of all encumbrances except the lien for taxes and special assessments therein noted, and except the encumbrance arising with respect to the certain party wall constructed pursuant to the party wall agreement referred to in said opinions.

Upon examination of the warranty deed tendered by Rollie B. Cochrane and Lillian B. Cochrane, husband and wife, I find that said deed has been properly executed and acknowledged by said grantors, and that the form of said deed is such that it is effective to convey the above described real property to the State of Ohio by fee simple title, free and clear of the respective rights of dower of said grantors in this property, and free and clear of all encumbrances whatsoever except the taxes and special assessments hereafter due and payable and except the encumbrance on the property arising out of said party wall agreement above referred to.

Upon examination of encumbrance record No. 662 submitted as part of the files relating to the purchase of said property, I find that the same has been properly executed and acknowledged and that the same shows that there is sufficient balance in the appropriation account to pay the purchase price of said property, which is the sum of Sixty Thousand, Six Hundred Eighty-three and 48/100 (\$60,683.48) Dollars.

Said warranty deed and encumbrance record are accordingly hereby approved and the same are herewith enclosed.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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3114.

REINDEXING OF DEED RECORDS—SOLE RIGHT OF COUNTY RECORDER  
TO HIRE NECESSARY HELP FOR SUCH WORK.

*SYLLABUS:*

*The reindexing of deed records is properly one of the duties of the county recorder's office, and the supervision of the same should be under his direction, which comprehends the right to employ the persons to be engaged in such work.*

COLUMBUS, OHIO, April 2, 1931.

HON. C. G. L. YEARICK, *Prosecuting Attorney, Newark, Ohio.*

DEAR SIR:—This will acknowledge your letter of recent date which reads:

“There has been appropriated by the County Commissioners of Licking County a sum to be used in the Recorder's office for the reindexing of the deed records. This appropriation was not included in the regular salary fund.

The Commissioners and Recorder are unable to agree as to who has the right to hire the necessary help for the work, the Recorder claiming that as it is in his office he should have the right to employ and the Commissioners stating that as it is extra work and the appropriation was made in addition to the regular appropriation for help in the Recorder's office, that they should employ the necessary clerks for the work.

We shall appreciate very much your opinion as to who should make the necessary appointment.”

Your inquiry concerns “the reindexing of the deed records”. For the purposes of this opinion, I assume that you do not refer to the making and keeping of sectional indices as provided by Sections 2766 and 2767, General Code, which subject was reviewed in an opinion of my predecessor found in Opinions of the Attorney General, 1928, page 1804.

A consideration of your request requires a review of the various sections of the General Code relative to the duty of the county recorder in keeping and indexing various instruments in writing.

Section 2764, General Code, requires the county recorder to keep direct and reverse indices of all instruments received for record by him. In the latter part of the section it is provided that “whenever, in the opinion of the county commissioners, it becomes necessary to transcribe on account of its worn-out or incomplete condition any volume of such index now in use, the same shall be revised and transcribed to conform herewith.”