

1952.

APPROVAL, ABSTRACT OF TITLE TO PREMISES OF THE VOLUNTEERS OF AMERICA IN COLUMBUS, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, June 6, 1930.

The State Office Building Commission, Columbus, Ohio.

GENTLEMEN:—This is to advise you that there has been submitted to me for my examination and approval, an abstract of title relating to certain premises situated in the city of Columbus, Franklin County, Ohio, which is owned of record by the Volunteers of America, a corporation authorized under the laws of the State of New York, and which property is more particularly described as being Inlot Number One Hundred Thirteen (113) in the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof of record in Deed Book "F," page 332, Recorder's Office, Franklin County, Ohio.

From the examination made by me of this abstract of title I am of the opinion that the Volunteers of America has a good and indefeasible fee simple title to the above described property, free and clear of all encumbrances except the following liens which are here noted as exceptions to said title:

(1) On February 3, 1928, said corporation, the Volunteers of America, by its properly authorized officers, executed and delivered to the Buckeye State Building & Loan Company, a mortgage deed on the above described property for the purpose of securing the mortgagor's obligation on a promissory note in and for the sum of \$33,500, payable to said mortgage, in monthly installments of \$250.00 each. This mortgage is not satisfied of record and the same, to the amount remaining unpaid upon the note secured thereby, is a lien on the property.

(2) Unpaid taxes and penalties thereon for previous years, amounting to the sum of \$600.15, together with additional interest and accrued auditor's fees are a lien upon this property. The taxes for the year 1930, the amount of which is as yet undetermined, are likewise a lien upon the property.

(3) There is an unpaid balance upon the assessment for the improvement of Front Street, amounting to \$274.21, with interest thereon at 5½%. The sixth and seventh installments on said assessments, amounting to \$182.82 principal, and \$54.23 interest, are due and payable in June, 1930. Said assessment to the extent of the total balance due is a lien upon the property here under investigation.

(4) There is an assessment against said property for the amount of \$325.48, including interest at 4½% for the Front Street Lighting system. This assessment is a lien upon the above described property.

The Volunteers of America is a charitable or religious organization, or perhaps both, within the meaning of Sections 10051, et seq. of the General Code, and before said society can legally convey the above described property to the State of Ohio it is required to secure authority so to do by an order of the Common Pleas Court in the manner provided by said sections of the General Code.

In this connection it is noted that on February 9, 1928, said corporation, the Volunteers of America, obtained an order of the Common Pleas Court, authorizing it to encumber this property by the mortgage above noted executed by it to the Buckeye State Building & Loan Company. This order of said court was made pursuant to a petition and other proceedings had in said court for the purpose of obtaining such order, but there was nothing in said court order or in the other proceedings in said court relating to the authority of said corporation to sell this property. It will be necessary therefore, for the Volunteers of America to obtain an order of the court

authorizing it to sell this property to the State of Ohio by proper proceedings to this end, to be filed in the Common Pleas Court of Franklin County, Ohio.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1953.

APPROVAL, ABSTRACT OF TITLE TO LAND OF THE VOLUNTEERS OF
AMERICA IN COLUMBUS, FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, June 6, 1930.

State Office Building Commission, Columbus, Ohio.

GENTLEMEN:—There has been submitted for my examination and approval an abstract of title of a certain tract of land situated in the City of Columbus, Franklin County, Ohio, and more particularly described as being a part of inlot number one hundred and twelve (112) in the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in deed book "F," page 332, Recorder's Office, Franklin County, Ohio, which part of said inlot is more particularly described as follows:

"Beginning at a point at the northwest corner of said Inlot No. 112; thence in a southerly direction along the west line of said lot a distance of 31.15 feet to a point; thence in an easterly direction and parallel to the north line of said lot, 45.40 feet to a point; thence in a northerly direction and parallel to the east line of said lot 12.30 feet to a point; thence in an easterly direction and parallel to the north line of said lot 16.70 feet to a point; thence in a northerly direction and parallel to the east line of said lot 17.40 feet to the north line of said lot; thence in a westerly direction along the said north line 52.63 feet to the place of beginning."

Without tracing or otherwise discussing the early history of the title of the premises here under investigation, it is sufficient to note that on December 7, 1914, said inlot 112, including the premises here under investigation, together with inlot 113, was owned of record by one Christian F. Jaeger in fee simple title. On said date Christian F. Jaeger leased said inlot 113, together with the adjoining premises here in question out of inlot 112, to The Volunteers of America for a term of five (5) years, beginning January 1, 1915, with a privilege of renewal for an additional period of five (5) years. This lease granted to the lessee the right and option to purchase the premises leased, for the sum of thirty-two thousand five hundred dollars (\$32,500.00). Some time later, to-wit, February 10, 1920, said Christian F. Jaeger, being the owner of record of inlots 112 and 113, conveyed the same by warranty deed, in which his wife joined, to Fred S. Spring and H. W. Acker, subject to the terms of the above mentioned lease to The Volunteers of America.

On November 14, 1925, Fred S. Spring, then a widower, and H. W. Acker and Florence R. Acker, his wife, joined in a warranty deed by which they conveyed to The Columbus Federation of Women's Clubs said inlot 112, which, of course, included the premises hereunder investigation. This conveyance was likewise made subject to the lease executed by Christian F. Jaeger to The Volunteers of America. Thereafter on January 8, 1924, The Columbus Federation of Women's Clubs executed and delivered to said Fred S. Spring and H. W. Acker a mortgage on inlot 112, including the premises here in question, for the sum of ten thousand dollars (\$10,000.00).