

5951.

APPROVAL—ABSTRACT OF TITLE, ETC., TO LAND IN
FRANKLIN TOWNSHIP, ROSS COUNTY, OHIO.

COLUMBUS, OHIO, August 12, 1936.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval an abstract of title, warranty deed, contract encumbrance record No. 26 and other files relating to the proposed purchase by your department in the name of the state of Ohio of a tract of land situated in Franklin Township, Ross County, Ohio, and which is more particularly described by metes and bounds as follows:

The following described real estate situate in the Township of Franklin, County of Ross and State of Ohio, to-wit:

Beginning at a stake, corner to survey No. 14523 and survey No. 13441 (originally calling for 161 acres); thence with the lines of said surveys north 39° west 87 poles to a stake and south 51° west 166 poles to a stake, south corner to survey No. 14523; thence south 39° east 13 poles to a stake in the line of surveys Nos. 14652 and 14891; thence binding on the last named survey north 73° east 35 poles to two white oaks and a hickory; thence north 54° east 44 poles to a chestnut oak and black oak; thence south 74° east 61 poles to a locust and red oak; thence north 52° east 14.3 poles to two chestnut oaks; thence north 76° east 26 poles to a hickory; thence leaving the line of the last named survey north 43° east 15 poles to the place of beginning, containing 58½ acres of land more or less, and being a part of said survey No. 13441.

Upon examination of the abstract of title submitted to me, which abstract is certified by the abstracter under date of June 22, 1936, I find that of said date the Tennessee Valley Appliances, Inc., which is the owner of record of the above described real property, had a good merchantable fee simple title to such property and that the same is free and clear of all encumbrances except such unpaid taxes as are a lien upon the property. By way of supplement to the abstract of title, there has been submitted to me tax receipts showing the payment under date of

June 22, 1936, of both the first and second installments of the 1935 taxes upon this property. And it appears from the information set out in the abstract of title, when the same is read in connection with the receipts above mentioned, that the only taxes which are now a lien upon the property are the undetermined taxes thereon for the year 1936. It does not appear what arrangements have been made by and between your department and the owner of this property with respect to the payment of the taxes on the property for the year 1936. Inasmuch, however, as the deed tendered by the owner contains a covenant that the property is free and clear of all encumbrances whatsoever, it is assumed that these taxes, which will be inconsequential in amount, will be paid by the present owner of the property.

Referring to the warranty deed which has been tendered to your department by the Tennessee Valley Appliances, Inc., it is noted that this deed as a deed of the grantor as a corporation has been duly executed and acknowledged in the manner required by law and that the form of the deed is such that the same is legally sufficient to convey this property to the state of Ohio by full fee simple title, free and clear of all encumbrances whatsoever.

Encumbrance record No. 26, which has been submitted as a part of the files relating to the purchase of this property, has been properly executed and the same shows a sufficient unencumbered balance of moneys standing to the credit of the Forestry Rotary Fund of your department sufficient to pay the purchase price of this property, which purchase price is the sum of \$380.25.

No certificate of the Controlling Board has been submitted to me as a part of the files relating to the purchase of the above described property. It appears, however, in this connection, that this property is to be purchased and paid for out of segregated revenues in the State Treasury standing to the credit of the Ohio Agricultural Experiment Station, under the authority of House Bill No. 571, approved by the Governor under date of December 20, 1935, which revenues were derived from lands owned and held by the state for the use of this department. In this situation, no action of the Controlling Board with respect to the purchase of this property was necessary. I am herewith returning to you with my approval said abstract of title, warranty deed, encumbrance record and other files relating to the purchase of this property, to the end that a proper voucher and warrant may be issued to cover the purchase price of this property.

Respectfully,

JOHN W. BRICKER,
Attorney General.