

1152.

APPROVAL, BONDS OF WASHINGTON TOWNSHIP, MONROE COUNTY
OHIO—\$8,000.00.

COLUMBUS, OHIO, October 14, 1927.

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

1153.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN THE VILLAGE OF
POINT PLEASANT, CLERMONT COUNTY, OHIO.

COLUMBUS, OHIO, October 15, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted an abstract of title, certified under date of September 20, 1927, by N. G. Cover, abstracter of Batavia, Ohio, which is accompanied by an encumbrance estimate and a deed, all covering Inlot 28, Fraction Lot No. 28 and 20 feet off of Fraction Lot No. 29, fronting on Indian Street and adjoining Fraction Lot No. 28, being all the remaining portion of said Fraction Lot No. 29, not conveyed by James M. Thompson to M. C. Hirsch by deed of December 22, 1856, all of which property is in the Village of Point Pleasant, Clermont County, Ohio, standing in the name of Lawyer W. and Loretta Clark.

An examination of the abstract of title discloses the following:

1. The property is a part of a survey in 1788 for Lawrence Butler in Military Warrant No. 199, but there is no patent of record to Lawrence Butler, and, in fact, there is no patent of record from the Government covering this land.

2. Nancy H. Thompson acquired the property under consideration in 1855. In 1857 she deeded Lot No. 28 and Fraction Lot No. 28 to J. M. Thompson. Nevertheless, James M. Thompson in 1863 conveyed to Thomas Peterson Lot No. 28, Fraction Lot No. 28 and 20 feet off of Fraction Lot No. 29, without ever having acquired the title to Fraction Lot No. 29 from Nancy Thompson, so far as is disclosed by the abstract. The abstracter says, that after diligent search, he is unable to find where Nancy Thompson or her representatives ever conveyed Fraction Lot No. 29. I suggest that affidavits be secured showing that James M. Thompson and his successors acquired title by adverse possession, if such be the fact; or that other evidence of title be obtained if possible.

3. In 1875, a group of persons, mainly of the Peterson family and recited in the caption of the abstracter's notes to be the heirs-at-law of Thomas Peterson, conveyed the property under consideration to James Peterson. No data is found in the abstract respecting the death of Thomas Peterson or the administration of his estate. It is

suggested that an affidavit should be furnished showing that the grantors in the deed of July 13, 1895, recorded in Vol. 102, page 55, of the Deed Records of Clermont County, were all the heirs of Thomas Peterson; and this affidavit should also cover the marital status of Sylvania Mickle, Rebecca Peterson, Elizabeth Peterson and Martha A. Davis.

4. The taxes for 1927 are a lien but unpaid.

The encumbrance estimate is numbered 1562, dated May 14, 1927, and covers an appropriation from the U. S. Grant Memorial Commission Fund. It has been approved under date of June 15, 1927, by the State Architect and G. F. Schlesinger, Director of Highways and Public Works. It has also been approved by the U. S. Grant Memorial Commission by Allen B. Nichols, Chairman. The Director of Finance under date of September 21, 1927, certifies that there are unencumbered balances legally appropriated, sufficient to pay the sum of \$1,800.00, the purchase price of the property.

I do not find any evidence of the consent and approval by the Controlling Board to expenditures of funds for this purchase.

The deed has been executed by Lawyer W. Clark and Loretta Clark his wife, under date of September 26, 1927, and acknowledged before a Notary Public. It is in proper form and if it is established that Lawyer W. Clark and Loretta Clark have a good title to the premises, it is my opinion that the deed is sufficient to convey said premises to the State of Ohio when properly delivered.

The abstract of title, deed and encumbrance estimate are herewith returned.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1154.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN THE VILLAGE OF
POINT PLEASANT, CLERMONT COUNTY, OHIO.

COLUMBUS, OHIO, October 15, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted an abstract of title, certified under date of September 20, 1927, by N. G. Cover, Abstracter, of Batavia, Ohio, which is accompanied by an encumbrance estimate and a deed, all covering Fraction Lots Nos. 12 and 13 in the Village of Point Pleasant, Clermont County, Ohio, excepting from Lot No. 13 a strip of ground fronting 40 feet on Indian Street in said Village, being on the north side of said Fraction Lot No. 13, which property stands in the name of Jessie Allison.

After an examination of the abstract of title, it is my opinion that Jessie Allison has a good and merchantable title to that portion of Fraction Lot No. 13, which she is selling to the State of Ohio, subject to the lien of unpaid taxes for 1927.

An examination of the abstract of title to Fraction Lot No. 12 discloses the following:

1. The property is a part of a survey in 1788 for Lawrence Butler in Military Warrant No. 199, but there is no patent of record to Lawrence Butler, and in fact there is no patent of record from the Government covering this land.