

land; and, as observed by me in the opinion relating to the deed to Cunningham, the possibility of any question with respect to the deed here in question being raised by said Elmer E. Marsh and wife, or by any one claiming under them, is so remote that the state would probably be taking little chance in accepting and paying for the property here in question. As in the case of the Cunningham property, however, I feel that this is a matter which should be determined by your department, and that this office should not take upon itself any responsibility other than to advise you as to the legal questions involved in the transaction relating to the proposed purchase of this land.

Respectfully,
EDWARD C. TURNER,
Attorney General.

3042.

APPROVAL, ABSTRACT OF TITLE TO LAND OF CLAIR H. HAUN, IN
NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, December 20, 1928.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—You have submitted a corrected abstract requesting my opinion as to the status of the title of two separate tracts of land, one of 50 acres and the other of 354.37 acres in Nile Township, Scioto County, Ohio, as disclosed by said corrected abstract.

This abstract was under consideration by me in my opinion No. 2769 issued October 24, 1928. In said opinion it was pointed out that Clair H. Haun is the owner of record of both of said tracts, subject to three objections therein specifically pointed out. The corrected abstract by affidavit disposes of the first objection relative to the status of certain oil and gas leases. Furthermore, said corrected abstract now eliminates objection No. 2 as set forth in said opinion.

The third objection therein noted was with reference to the taxes for the year 1928, which are unpaid and a lien. Inasmuch as the deed warrants the title to be free from encumbrances, it will be the duty of the State to require said taxes to be paid before the acceptance of the deed and the delivery of the warrant in payment therefor, or the amount of said taxes if determined may be deducted from the purchase price.

As stated in said former opinion, the deed submitted is executed in proper form and sufficient to convey said premises to the State when properly delivered. Also, as mentioned in said former opinion, a proper certificate of the Director of Finance as to the existence of unencumbered funds legally appropriated for said purpose has been submitted. Also a copy of the minutes of the Controlling Board indicating their consent to said purchase.

Enclosed herewith you will find said abstract, deed, encumbrance estimate, and other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.