

2978.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENT IN
JEFFERSON COUNTY, OHIO.

COLUMBUS, OHIO, February 24, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

2979.

APPROVAL, CORRECTED ABSTRACT OF TITLE TO LAND OF C. C.
BELLESON IN MIFFLIN TOWNSHIP, PIKE COUNTY, OHIO.

COLUMBUS, OHIO, February 24, 1931.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a corrected abstract of title, which was furnished to you by C. C. Belleson, the owner of the property hereinafter described, following my Opinion No. 2685 directed to you under date of December 16, 1930, in which the title to the property under investigation was disapproved for the reasons therein stated.

The property of said C. C. Belleson, the title to which is the subject of inquiry, consists of four tracts of land in Mifflin Township, Pike County, Ohio, which tracts of land are more particularly described as follows:

“FIRST PARCEL. Being a part of Lot No. 30, O. S. U. Lands:—Beginning at a B. O. Cor. to John Snider; (No. 15571), thence, with Snider's line, S. 74 deg. & 41' W. W. 50 p. to a stone Cor. to P. W. Wickerham; thence, with his line, N. 15 deg. & 20' W. 22 p. cor. to said Wickerham; thence, with his line, S. 74 deg. & 40' W. 22 p. to a stone; thence, S. 15 deg. & 20' E. 22 p. to a stone in the division line between this lot and John Snider; thence with said line S. 74 deg. & 40' W. 32 p. to a Chest. O. on the hill, Cor. to Snider; thence, N. 7. E. 49½ p. to a B. O.; thence N. 66 deg. & 30' E. 85 p. to a stone & W. O.; thence N. 38 W. 118 p. to a stone; thence, S. 88 E. 96 p. to a stone in the line of this tract and Sur. No. 15571; thence, S. 1 deg. & 30' W. 139 p. to the beginning, containing 63 a., more or less.

SECOND PARCEL. Being a part of Lot No. 29, O. S. U. Lands:—Beginning at a W. O. and Stone cor. to a part of said Lot 29, sold to Michael Hause, in line of Sur. No. 16066; thence, with one line of said Sur., S. 59 deg. and 50' E. 202½ p. to a stone cor. to Baer's Pre-emption Claim; thence, with one line of said claim, S. 42 W. 102 p. to three R. O.'s in line of Sur. No. 15127; thence, with one line thereof, N. 70 deg. and 30' W. 218 p. to a B. O. on a Hill; thence, S. 18 W. 272/10 p. to a Maple and C. O. in a branch; thence S. 1 deg. W. 22 p. to a Large R. O.; thence S. 87 W. 204 p. to a stone cor. to the aforesaid Hause Land; thence, with one line thereof N. 58 E. 340 p. to the beginning, containing, 272 and

70/100a. be it more or less. Being the same real estate deeded to W. D. Parker and C. C. Belleson, jointly, by Mamie J. Finley, as found in Deed Book 66, Page 234, Pike County, Ohio, Deed Records.

THIRD PARCEL. Being a part of Lot No. 30, O. S. U. Lands:— Beginning at a large R. O., most north easterly cor. of this tract and cor. of Sur. No. 15571; thence, S. $1\frac{1}{2}$ W. 58 p. to a stone in line of this tract and line of Peter Cartwright; thence, N. 88 W. 96 p. to a stone; thence N. 38 W. 18 p. to a stone and small W.O.; thence, S. 85 W. $46\frac{1}{2}$ p. to a B. O. (gone), on a Hill, cor. of Martin No. 300 of Ohio A. & M. College; thence, with Martin, N. $63\frac{3}{4}$ W. 94 p. to a large Chest. Oak Cor. to Martin; thence, S. $72\frac{1}{2}$ W. 20 p. to a stone in Isaac Fulk's Line, in line of Wallace Survey No. 12727; thence, with Wallace line, N. 2 E. 35 p. to a stone, N. W. Cor. to this tract; thence, down the hollow, S. 88 E. 200 p. to the beginning, containing 63 a. more or less, being same tract deeded to C. C. Belleson and W. E. Parker, jointly, by C. V. Johnson, Deed Book, 67 Page 543.

FOURTH PARCEL. Being a part of Lot 29, O. S. U. Lands:— Beginning at a W. O. and stone cor. to a part of said Lot No. 29, sold to Michael Hause, and in line of sur. No. 16066; thence, with said 16066, 59 deg. & 50' W. $445\frac{5}{6}$ p. to a Chestnut in said line of Wallace, and cor. to a 50a tract sold to Sarah Shoemaker off the original Michael Hause tract of 100a., of which this Parcel is a part (50a.); thence, leaving the said Wallace, S. $49\frac{1}{2}$ W. 214 p. to a stone, a C. O. bearing N. 56 E. 14 lks., a B. O. bearing S. $46\frac{1}{2}$ E. 20 lks.; thence N. 11 W. $42\frac{2}{3}$ p. to two Poplars in the original line of Lot 29; thence with line of same, and with the lines of the original sur. S. 59 E. 69 p. to a chest. on a Ridge, cor. to survey 14942; thence S. 85 W. $132\frac{10}{10}$ p. to a stone cor. to Lot 29; thence, S. 3 W. 34 rd. to a stone on Palmer's Mountain; thence, with the original division line of the Hause tract and the remaining part of Lot 29, N. 58 E. 340 p. to the beginning, containing 50 a., more or less."

Although the supplemental information furnished by the abstractor pursuant to the request therefor, made in my former opinion, does not fully correct all of the objections to the record title to some of the tracts of land above described, I am of the opinion that by reason of the great lapse of time since these defects appeared in the record title to the property, the exceptions noted with respect to such objections in the record title may be easily and safely waived at this time. This view leads to the conclusion that said C. C. Belleson has a good merchantable title to each and all of the described tracts of land and that he holds the same free and clear of all incumbrances whatsoever, except the taxes for the year 1930. With respect to these taxes, the abstract does not show whether the same have been paid or not.

The abstract of title submitted to me does not show that any part of the real property here under investigation is under lease. As to this, however, you are advised that if said property or any part thereof is actually occupied and possessed by any person or persons under a claim of right, a purchaser of such property is put upon inquiry as to the actual nature and extent of the rights of such persons in the premises. There is nothing in the abstract or files presented to me to suggest that this property or any part thereof may be occupied by any person or persons other than said C. C. Belleson, but inasmuch as the files do show that Mr. Belleson lives in a county other than that in which this property is located, I deemed it

advisable to call your attention to this principle of law applicable in situations of the kind above noted.

Upon examination of the warranty deed tendered to the state of Ohio by said C. C. Belleson, I find that the same has been properly executed and acknowledged by him and by his wife, Lelia Belleson. The form of said deed and the provisions thereof are such that said deed is sufficient to convey to the state of Ohio a fee simple title to the above described property, free and clear of the dower right of said Lelia Belleson as the wife of said C. C. Belleson and free and clear of all incumbrances whatsoever.

Upon examination of encumbrance record No. 793, which has been submitted as a part of the files relating to the purchase of the above described property, I find that the same has been properly executed and approved so far as the same pertains to the validity of the contract for the purchase of said property, and that there is shown thereby sufficient unincumbered balances in the proper appropriation account to pay the purchase price of said property, which is the sum of two thousand two hundred and forty dollars.

It likewise appears from the files submitted that the purchase of the property here under investigation was approved by the board of control under date of August 4, 1930, and that the money necessary to pay the purchase price of this property in the amount above stated was released by said board of control pursuant to the authority conferred upon it by section 11 of House Bill No. 516, enacted by the 88th General Assembly.

I am herewith returning, with my approval, said abstract of title, warranty deed, encumbrance record No. 793, certificate of the controlling board and other files submitted to me in connection with my examination of the title to this property.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2980.

JUSTICE OF THE PEACE—GENERAL CODE REQUIRED TO FULFILL
FUNCTIONS OF OFFICE—STATUTE REQUIRES TOWNSHIP
TRUSTEES TO FURNISH—CONDITIONS NOTED.

SYLLABUS:

Section 3293, General Code, requires township trustees to furnish each justice of the peace within their township such a copy of the General Code as will allow him to fulfill the functions of his office.

COLUMBUS, OHIO, February 24, 1931.

HON. J. D. SEARS, *Prosecuting Attorney, Bucyrus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent letter, which reads as follows:

“Please give me an opinion determining the duty of the township trustees under section 3293 of the General Code wherein it provides:

* * * they (township trustees) shall purchase for the use