

737.

ABSTRACT, STATUS OF TITLE, LOTS 38, 50 AND 51, HAMILTON'S
SECOND GARDEN ADDITION, COLUMBUS, OHIO.

COLUMBUS, OHIO, September 12, 1923.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—An examination of an abstract of title submitted by your office to this department discloses the following:

The abstract under consideration was prepared by Adolph Haak & Co., Abstracters, August 10, 1905, the same, however, being unsigned, and a continuation thereto made by J. G. Westwater June 2, 1917, a further continuation by J. G. Westwater on January 29, 1919, and a continuation made by E. M. Baldrige, Attorney, on September 4, 1923, and pertains to the following premises:

Lots 38, 50 and 51 of Hamilton's Second Garden Addition to the city of Columbus, Ohio, as the same is numbered and delineated on the record plat thereof recorded in Plat Book 7, page 186, Recorder's Office, Franklin County, Ohio, saving and excepting therefrom 6 feet off the rear end of each lot reserved for the purpose of an alley.

Upon examination of said abstract, I am of the opinion same shows a good and merchantable title to said premises in Pauline A. Carl, subject to the following exceptions:

The release of the mortgage shown at section 8 of the first part of the abstract is in defective form, but as the note secured by the mortgage has been long-past due, no action could be maintained upon same. The release shown at section 14 is also defective but shows that the notes secured by the mortgage were undoubtedly paid.

Attention is directed to the restrictions in the conveyance shown at section 1 of the continuation of June 2, 1917, wherein are found restrictions for a period of twenty-five years against the use of the premises for the erection of any buildings to be used for slaughter houses and the killing of animals, or the use of said premises for the sale of intoxicating liquors or malt beverages.

The abstract states no examination has been made in the United States District or Circuit Courts, nor in any subdivision thereof.

Taxes for the year 1923, although as yet undetermined, are a lien against the premises. There is also a balance on assessments for the improvement of Clara Street, amounting to \$113.94 on each lot, the next installment of which, amounting to \$28.48, and interest, on each lot, will be due in December, 1923.

It is suggested that the proper execution of a general warranty deed by Pauline A. Carl, and husband, if married, will be sufficient to convey the title to said premises to the State of Ohio when properly delivered.

Attention is also directed to the necessity of the proper certificate of the Director of Finance to the effect that there are unincumbered balances legally appropriated sufficient to cover the purchase price before the purchase can be consummated.

The abstract submitted is herewith returned.

Respectfully,

C. C. CRABBE,

Attorney General.