

"I am enclosing blank form for sale of used motor vehicle which is being printed here and bears the stamp of approval of the Attorney General in 1923.

The form we have printed, differs from this in that it has blanks for the insertion of the various owners, through whose hands the car has passed from the time of its original sale by the manufacturer's distributor.

Our construction of 6310-7, found on page 468 of the 1925 Session of Laws, Volume III, is to the effect that this additional information must be incorporated in the bill of sale. Users of the bill of sale have preferred this short form, and if it has your approval, we will be glad to change our form accordingly but do not want to print a form to put on the market which does not comply with the requirements of the statute as construed by you. May we hear from you?"

As stated in the letter, the blank form of bill of sale which is enclosed has no blank spaces for the insertion of the names and addresses of the various previous owners in the chain of title. This form is one which was approved by the Attorney General in 1923 and was in conformity with the requirements of Section 6310-7 of the General Code in its then existing form. This section of the Code was, however, amended in 1925 and, in its present form, the section requires this information.

I need not go into detail as to the present requirements of the section, since my predecessor, in Opinions of the Attorney General for 1925, at page 415, approved the form of bill of sale for use under the law in accordance with its present requirements. It is scarcely necessary to add that the use of the old form should not now be permitted, and it would perhaps be well for you to notify the Clerk of Courts of Lucas County to this effect.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2589.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND OF THE HEIRS OF LEVI ZIMMERMAN, IN HANOVER TOWNSHIP, ASHLAND COUNTY, OHIO.

COLUMBUS, OHIO, September 18, 1928.

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

DEAR SIR:—This is to acknowledge receipt of abstract of title and warranty deed covering a certain tract of 200 acres of land in Hanover Township, Ashland County, Ohio, belonging to the heirs at law of Levi Zimmerman, who died in 1915, the property in question being more particularly described as follows:

"Being the east half of the southwest quarter; the west half of the southeast quarter and the northeast quarter of the southeast quarter of Section 8, Township 19, Range 16."

As pointed out in Opinion No. 2027 of this department, addressed to you under date of April 28, 1928, there are a number of defects existing in the record title of 160 acres of the above described lands, all of which occurred prior to the year 1869. As noted in said former opinion, the defects in the record title to this land are as follows:

As to the northeast quarter of the southwest quarter of Section 8, there is a break in the chain of title from October 1, 1839, to March 19, 1869, when said Levi Zimmerman took a conveyance of said lands from one Daniel Willford. As to the northeast quarter of the southeast quarter of Section 8, there is a break in the chain of title from July 4, 1842, to September 19, 1857, a period of fifteen years. As to the southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter, there is a break in the chain of title from September 7, 1842, to November 26, 1856. The abstracter has not been able to correct these defects in the record title to the particular tracts above mentioned by the production of missing deeds or otherwise, and at this late date I presume that it is wholly impossible to do so.

The original abstract submitted has been supplemented by the several affidavits of three persons who have had a life-long acquaintance with said Levi Zimmerman during his ownership and possession of said land, while two of said persons depose as to their acquaintance with Daniel Willford during his ownership of said lands. By these affidavits facts are set out which show that Levi Zimmerman, and his children after him, have owned and held these lands in open and adverse possession ever since he obtained record title to the same in 1869.

By reason of the great lapse of time and the open, undisturbed and undisputed possession of these lands by Levi Zimmerman and his heirs at law, I am of the opinion that the defects in the record title to the lands can be safely waived and the title to the same approved.

I have carefully examined the warranty deed of the heirs at law of Levi Zimmerman and of their respective wives and husbands and find same to have been properly executed and to be in form sufficient to convey to the State of Ohio a fee simple title and estate in and to said lands, free and clear of all encumbrances whatsoever, with the exception of the taxes thereon. As to this the original abstract, certified under date of March 14, 1928, states that there are no overdue taxes which are a lien against said premises. There is nothing in the supplemental abstract submitted to show that any of the taxes that became due and payable after that date have been paid. I am, therefore, assuming that the property here in question is subject to the lien of the taxes for the last half of the year 1927, as well as the undetermined taxes for the year 1928. This matter should be investigated and adjusted before the transaction relating to the purchase of these lands is closed.

I have examined encumbrance estimate No. 3390, relating to the purchase of the lands above described, and find the same to have been properly executed and to show that there are sufficient balances in the appropriation account to pay the purchase price of this property. The certificate of the controlling board submitted by you shows that the purchase of these lands has been authorized by that board.

I am herewith returning to you said abstract of title, supplemented by the affidavits above referred to, the warranty deed of Alice M. Weaver and others, heirs at law of Levi Zimmerman, deceased, encumbrance estimate No. 3390, certificate of the controlling board and other files submitted to me with your recent communication.

Respectfully,
EDWARD C. TURNER,
Attorney General.