

president and board of trustees of Miami University all of said one acre tract of land then owned by him, except the parcel above described which was excepted from the deed of conveyance then executed.

On examination of said abstract of title and supplemental certificate of title relating to the parcel first above described, which said Arthur Shinkle now proposes to convey to the president and trustees of Miami University, I am of the opinion that said Arthur Shinkle has a good and indefeasible title to said real property and the appurtenances thereunto belonging, and that upon conveyance of said property to the president and board of trustees of Miami University they will have a good and indefeasible fee simple title to said property.

It further appears that said Arthur Shinkle owns the whole of the title to said property, free and clear from all incumbrances, excepting the annual land rent on said property, which is due and payable to Miami University in May, 1931, and except, possibly, the taxes for the last half of the year 1930. It appears from the abstract that Mr. Shinkle paid the taxes on this property that were due and payable in December, 1930, but it does not clearly appear whether at this time he paid the whole of the taxes for the year 1930 or only the taxes for the first half of said year.

Upon examination of the warranty deed tendered by said Arthur Shinkle, I find that the same has been properly executed by him and by his wife, Callie W. Shinkle, and that said deed has been properly acknowledged by both of said grantors. The form of said deed is such that it is sufficient to convey the above described property to the president and trustees of Miami University, free and clear of the dower interest of said Callie W. Shinkle and free and clear of all incumbrances, except the land rent claims of Miami University itself.

Encumbrance record No. 1490, which has been submitted as a part of the files relating to the purchase of the above described property, has been properly executed and approved and the same shows that there are sufficient unincumbered balances in the proper appropriation account to pay the purchase price of said property, which is the sum of sixty-eight hundred dollars.

No action of the board of control was necessary with respect to the purchase of the above described property, and I am herewith returning, with my approval, said supplemental certificate of title, warranty deed and encumbrance record No. 1490. The original abstract of title, above referred to, will be returned to the files of the Auditor of State from which it was procured.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2971.

APPROVAL, CORRECTED ABSTRACT OF TITLE TO LAND OF E. C. WYSONG NEAR THE VILLAGE OF EATON, PREBLE COUNTY, OHIO.

COLUMBUS, OHIO, February 20, 1931.

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

DEAR SIR:—I am just in receipt of a corrected abstract of title, certified by the abstractor under date of February 19, 1931, relating to the proposed purchase of

a certain parcel of land, together with the appurtenances thereon, situated at or near the village of Eaton, Preble County, Ohio, which parcel of land is owned of record by one E. C. Wysong, and which is more particularly described as follows:

“Being in the North West Quarter of Section two (2) Township Seven (7) Range two (2) East, and described as follows, to-wit:—Beginning at a stake on the south line of Public Lane Street and 309.30 feet west of the west line of Nation Avenue (or Short Street) of the Village of Eaton in the said County; thence south 41 deg. East 122.65 feet with a line 40 feet east and parallel with the east end of the Washington Motor Company Building, to a stake 40 feet east and 40.15 feet South of the South East corner of the water-table of said building; thence north 89 deg. 45' West 169.10 feet, with a line 40.15 feet south and parallel with the south side of the Main building of said Motor Company to the center of the P. C. C. & St. L. R. R.; thence north 10 deg. and 55' west 124.90 feet with the center of said Railroad to the south line of said Public Lane; thence south 89 deg. 45' east 192.66 feet with the south line of said Public Land to the place of beginning, containing .509 of an acre of land, subject to the right-of-way of said Railroad.”

Upon examination of the corrected abstract of title submitted, I find that said E. C. Wysong has a good, merchantable fee simple title to the above described parcel of land and to the buildings and appurtenances thereto belonging, free and clear of all incumbrances whatsoever, except the inchoate dower interest of his wife, Lona Wysong, who has released the same in the deed tendered by Mr. Wysong to the state of Ohio.

Upon examination of the warranty deed tendered by E. C. Wysong to the state of Ohio, I find that the same has been properly executed and acknowledged by said grantor and by his wife, Lona Wysong, and that the form of said deed is such that it is effective to convey the above described property to the state of Ohio by fee simple title, free and clear of the dower interest of said Lona Wysong, and free and clear of all incumbrances whatsoever.

I have likewise examined encumbrance record No. 1020, which has been submitted to me as part of the files relating to the purchase of the above described property. Upon such examination, I find that said encumbrance record has been properly executed and approved and that there is shown thereby an unincumbered appropriation to pay the purchase price of said property, which purchase price is the sum of forty-five hundred dollars.

It likewise appears from the certificate of the board of control under date of July 7, 1930, that the money necessary to pay the purchase price of said property in the sum above indicated, has been released for said purpose by the board of control, pursuant to the authority conferred upon said board by section 11 of House Bill 510, as enacted by the 88th General Assembly.

I am herewith returning to you, with my approval, said corrected abstract of title, warranty deed, encumbrance record No. 1020, board of control certificate and other files relating to the purchase of the above described property.

Respectfully,

GILBERT BETTMAN,
Attorney General.