



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MARR
ATTORNEY GENERAL

Honorable Charley Lockhart
State Treasurer

Austin, Texas

Dear Sir:

Opinion No. O-3478

Re: Disposition to be made of
\$10.26, which has been sent
to the State Treasurer for
the Pat Burke Estate.

Your letter of May 1, 1941, received, asking what you should do with \$10.26 that has been mailed to you for the account of the Pat Burke estate.

There is a very serious question whether the administrator of the estate had the right to collect or accept the \$10.26. There is also a serious question whether the County Court in Live Oak County now has any jurisdiction over the estate.

The judgment of the County Court rendered in December, 1940, directs G. H. Bain, as administrator, to close the estate, pay all the expenses, and remit the balance of the estate to you, as State Treasurer, to be held in the estate fund. While it is true the court found in his judgment the amount of the estate that was or would be left to be \$222.79, it appears that he was mistaken because the additional \$10.26 had not been paid to the administrator. In order to open up the matter in the County Court, it will cost more than the \$10.26. By reason of the general order made by the court in December, 1940, directing the administrator to send all the estate he had to the State Treasurer, it is our judgment, and we advise that you put this \$10.26 in the estate fund in the name of the Pat Burke estate, and send the administrator your receipt therefor.

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If and when any one claims this estate, the record will show the total amount paid, and there will be no difficulty in having the court at that time enter the proper order relative to your paying same to the proper owner.

We are returning you herewith the copy of the judgment rendered in the Burke estate, which you attached to your letter, with the request that same be returned.

Very truly yours

APPROVED MAY 8, 1941

ATTORNEY GENERAL OF TEXAS

Sam Miller
FIRST ASSISTANT
ATTORNEY GENERAL

By

Geo W Barcus
Geo. W. Barcus
Assistant

GWB-MR

Enclosure

