



MBJ
file # ML-17721-92
ED # 17721

TARRANT COUNTY

OFFICE OF THE
CRIMINAL DISTRICT ATTORNEY

TIM CURRY
CRIMINAL DISTRICT ATTORNEY
817/884-1400

October 14, 1992

JUSTICE CENTER
401 W. BELKNAP
FORT WORTH, TX 76196-0201

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Opinion 10/21/92

The Honorable Dan Morales
Attorney General of the State of Texas
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711

RQ-456

Re: Procedure for Disposition of
Excess Tax Sale Proceeds

Dear General Morales:

We are requesting your opinion on the following questions:

- 1) Does Tax Code §34.04 require a new lawsuit, separate from the suit to foreclose the tax lien, in a proceeding to recover excess tax proceeds?
- 2) Does Tax Code §34.04 require personal service on the parties and the county attorney or district attorney in a proceeding to recover excess tax proceeds?

As is required, we include a Brief in Support of Request for Opinion. We look forward to your opinion on this matter.

Sincerely,

TIM CURRY
Criminal District Attorney
Tarrant County, Texas

TC/gbb