



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. L. P. Hoard
County Auditor
Belton, Texas

See p. 1

Dear Sir:

Opinion No. C-1344
Re: Can a will which is filed
for probate be removed from
the office of the County
Clerk?

Your letter of August 26, 1939, asking whether
it is lawful to remove a will from the office of the
County Clerk, after same has been duly admitted to pro-
bate, is received.

Article 5329, Revised Statutes, provides:

"A written will shall be filed with the
application for the probate thereof, and shall
remain in the office of the Clerk unless re-
moved therefrom by order of the County or Dis-
trict Court."

Under the plain provisions of the above statute,
after a will is filed, it cannot be removed from the of-
fice of the County Clerk except by the order of either
the County or the District Court.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

George W. Barcus
George W. Barcus
Assistant

GWB:pbpAPPROVEDAUG 31, 1939

Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

