



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WAGGONER CARR
ATTORNEY GENERAL

November 24, 1964

Honorable Jerry Sadler
Commissioner
General Land Office
Austin, Texas

Opinion No. C-352

Re: Whether the Veterans' Land Board may use any funds from the Veterans' Land Fund after December 1, 1965, to pay the purchase price on lands they agreed to purchase prior to December 1, 1965.

Dear Mr. Sadler:

Your recent letter to this office presents the question as to whether the Veterans' Land Board may, prior to December 1, 1965, enter into a commitment for the purchase of land which, due to the details of a title examination and other closing matters, defers the payment of the purchase price subsequent to December 1, 1965.

Your written supplemental information also states that:

"When the veteran's contract and other papers are mailed to him for the purpose of signing the contract with the seller, the Veterans' Land Board, at that time, is able to accept the assignment of his contract and process his application knowing that, when the contract is assigned to the Board, there is money available to handle that particular transaction.

"The Board makes this determination based on experience of past percentages of contracts received back after execution by the veteran and seller and those originally mailed out to the veterans and not returned. We receive approximately 20% of the contracts properly executed by the seller and the veteran and assigned to the Board out of 100% that are mailed out. Eighty per cent of the veterans are not able to find the land that they want, or, for some other reason, do not execute their contract with the seller, thereby enabling them to participate in the Program.

"After the description of the land, the veteran's qualifications and other requirements have been properly met, the land is appraised by the Veterans' Land Board appraiser. Upon receipt of the appraisal, the file is properly reviewed by numerous people within the Veterans' Land Board, including the Commissioner and the Chief Clerk, and a commitment is issued for the exact amount of money that will be paid by the Board for the land."

Article III, Section 49-b, Constitution of the State of Texas, provides:

". . . The additional bonds herein authorized may be sold in such installments as deemed necessary and advisable by the Veterans' Land Board. All monies received from the sale of land and for interest on deferred payments on land purchased with the proceeds of such additional bonds, shall be credited to the Veterans' Land Fund for use in purchasing additional lands to be sold to Texas veterans, as herein provided, in like manner as provided for the sale of lands purchased with the proceeds from the sales of the bonds provided for herein, for a period ending December 1, 1965; provided, however, that so much of such monies as may be necessary to pay interest on the additional bonds herein provided for shall be set aside for that purpose. After December 1, 1965, all monies received by the Veterans' Land Board from the sale of the lands and interest on payments, or so much thereof as may be necessary, shall be set aside for the retirement of said additional bonds and to pay interest thereon, and any of such monies not so needed shall not later than the maturity date of the last maturing bond be deposited to the credit of the General Revenue Fund to be appropriated to such purposes as may be prescribed by law. . . ."

Likewise, Section 9a, Article 5421m, Vernon's Civil Statutes, provides:

"Each year until December 1, 1965, there shall be set aside and paid from the Veterans' Land Fund sufficient moneys to pay interest and principal due on all bonds theretofore issued and outstanding. After December 1, 1965, all moneys received by the Veterans' Land Board under the terms of this Act, or so much thereof as may be necessary, shall be set aside and used to pay principal and interest on bonds then outstanding as they shall mature. When there is in the Veterans' Land Fund an amount fully sufficient to pay all interest on, and principal of, the outstanding bonds due and to become due thereafter, any moneys in excess of such amount shall be deposited to the credit of the General Fund of the State of Texas to be appropriated to such purposes as may be prescribed by law. . . ."

It is our opinion that a commitment may be made any time prior to December 1, 1965. Once a commitment has been made prior to that date, payment of the consideration may be made upon completion of the final closing details even if that should occur after December 1, 1965. Where a commitment has been made prior to December 1, 1965, to say that payment of the consideration could not be made after December 1, 1965, would be unduly restrictive of the provision in Article III, Section 49-b that purchases may be made until that date.

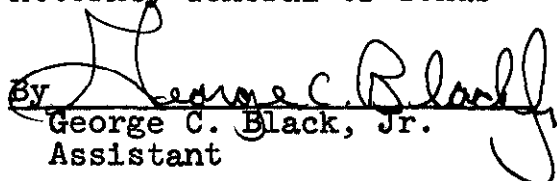
Consequently, it is our opinion, that a commitment having been made prior to December 1, 1965, payment of the consideration can be made subsequent to that date.

SUMMARY

If a commitment to purchase land pursuant to Article III, Section 49-b, Constitution of the State of Texas, is entered into prior to December 1, 1965, payment of the consideration can be made subsequent to that date.

Yours very truly,

WAGGONER CARR
Attorney General of Texas

By 
George C. Black, Jr.
Assistant

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APPROVED:

OPINION COMMITTEE

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APPROVED FOR THE ATTORNEY GENERAL
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