



**THE ATTORNEY GENERAL
OF TEXAS**

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

AUSTIN, TEXAS 78711

April 22, 1970

Honorable Jesse James
State Treasurer
Austin, Texas 78711

Opinion No. M-614

Re: Whether funds held in trust
by a district or county
clerk are subject to being
reported as abandoned personal
property pursuant to Section
1(a) of Article 3272a, V.C.S.

Dear Mr. James:

Your recent letter requesting the opinion of this office concerning the referenced matter states, in part, as follows:

"Under Section 1(a) of Article 3272a, your opinion is requested upon the following question:

". . . Are funds held in trust by a District Clerk and/or County Clerk in the State of Texas, subject to being reported as abandoned personal property under the provisions of Article 3272a, Vernon's Civil Statutes?"

In defining the "person" who may hold and report personal property subject to escheat pursuant to Article 3272a, Vernon's Civil Statutes, Section 1(a) of that Article provides as follows:

"The term 'person' as used in this Article means any individual, corporation, business association, partnership, governmental or political subdivision or officer, public authority, estate, trust, trustee, officer of a court, liquidator, two (2) or more persons having a joint or common interest, or any other legal, commercial, governmental or political entity, except banks, savings and loan associations, banking organizations or institutions." (Emphasis added.)

It is our opinion that the underscored provisions of Section 1(a) of Article 3272a, supra, clearly encompass district

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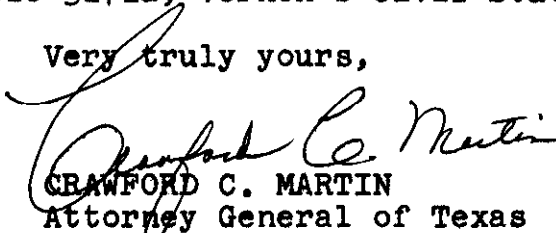
and county clerks in their purview, and consequently those funds which are subject to escheat and held in trust by such officers are subject to being reported as abandoned personal property pursuant to said Article.

Accordingly, your question is answered in the affirmative.

S U M M A R Y

Funds subject to escheat and held in trust by a district or county clerk are subject to being reported as abandoned personal property pursuant to Section 1(a) of Article 3272a, Vernon's Civil Statutes.

Very truly yours,



CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by Austin C. Bray, Jr.
Assistant Attorney General

APPROVED:
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