

*under Section 9325*

Schools--City Extending its limits shall (Ipso Facto) have the effect to extend the limits of such school district to the same extent.

9325 RS Mo 1929  
§162.421, RSMo. (1967)

March 10, 1933

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FILED

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Honorable Jos. L. Gutting  
Prosecuting Attorney  
Clark County  
Kahoka, Missouri

Dear Mr. Gutting:

Answering your letter of February 27th, 1933, relative to John Martin who resides within the city limits of Kahoka, an incorporated City of the fourth class, and from further information that his property is in the City of Kahoka, will say that the Statutes of Missouri, namely, Section 9325, states:

\*\*\*\*\*that every extension that has heretofore been made, or that hereafter may be made, of the limits of any city, town or village that is now or may be hereafter organized under the laws of this state, SHALL HAVE THE EFFECT TO EXTEND THE LIMITS OF SUCH TOWN OR SCHOOL DISTRICT to the same extent, and such extension of the limits of any city or town school district shall take effect on the first day of July next following the extension of the limits of such city, town or village:\*\*\*\*\*

Section 9344 is cooperative of the foregoing.

In State ex rel v. Brown, 31 S. W. (2nd) 215, l. c. 217, the court quoted with approval from the Kansas City court of appeals:

"That the passage of the act ipso facto transferred to the school district of the City of Nevada so much of the territory of the outlying district as was situated within the limits of the city of Nevada!"

Litson v. Smith, 68 Mo. Ap. 397.  
And then held that the extension of the city limits of the city of Kirkwood ipso facto extended the limits of the Kirkwood school district.

Hon. Jos. L. Gutting

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March 10, 1933

State ex rel V. Brown  
31 S. W. (2nd) 215 1. c. 217.

State ex rel V. Smith  
53 S. W. (2nd) 371.

Litson V. Smith  
68 Mo. Ap. 397.

Assuming as your letter indicates that your city limits was extended several years ago, and took in John Martin, and his property, it is our opinion that ipso facto he was transferred to the school district of the city of Kahoka, as well as his property in said extension and he is therefore a resident not only of the municipal corporation but also of the Kahoka school district.

Very truly yours,



GEO B. STROTHER  
Assistant Attorney-General.

APPROVED: \_\_\_\_\_

ROY McKITTRICK  
Attorney-General.

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