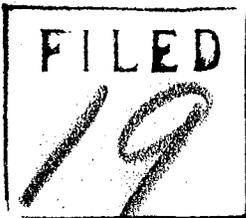


PENSIONS: Claimants and recipients of old age assistance  
CONVEYANCE: benefits are disqualified to receive benefits  
DEEDS: when deeding property without fair and valuable  
consideration.

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May 23, 1955

Honorable Noel Cox  
Missouri State Senate  
State Capitol Building  
Jefferson City, Missouri

Dear Senator Cox:

This will acknowledge receipt of your request for an opinion under date of May 9, 1955, alleging that the opinion rendered by this department to you on April 21, 1955, did not fully answer your second question, and you request a specific opinion on it.

I assure you that I certainly thought the first opinion of this department, rendered to you under date of March 23, 1955, would sufficiently answer your second question. We might not have made ourselves clear in the latter opinion on your second question; however, what we intended to convey in the opinion was that said first opinion was applicable, and such a conveyance or transfer by quitclaim deed under the law as written, namely, Section 208.010, MoRS Cum. Supp. 1953, would disqualify these persons for old age assistance for the following reasons, to wit: said statute provides that any person who has assigned, conveyed or transferred property without receiving a fair and valuable consideration therefor, within five years preceding the date of investigation, shall be presumed to have made such assignment, conveyance or transfer for the purpose of rendering himself or spouse eligible for benefits or to increase his or her need for benefits, and in view of the definition of "fair and valuable consideration" therein, that it shall not be construed to include past support, contributions or services rendered by a relative for a claimant.

Honorable Noel Cox

CONCLUSION

Therefore, it is the opinion of this department on the facts stated in your request, such recipient would no longer be qualified to further receive old age assistance.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Aubrey R. Hammett, Jr.

Yours very truly,

John M. Dalton  
Attorney General

ARH:vtl:lc