

May 29, 1963

OPINION NO. 122
ANSWERED BY LETTER

Mr. Orville C. Winchell
Prosecuting Attorney
Laclede County
Lebanon, Missouri



Dear Mr. Winchell:

This is in answer to your letter requesting an official opinion of this office.

Under the provisions of Section 473.463 RSMo 1959 the administrator of an estate, where there are no heirs or legal representatives of heirs, has authority and it is his duty to sell all personal and real property of the decedent within nine months after Letters of Administration are granted.

There is no reason to doubt the validity of this statute nor the authority and duty it places on the administrator of such an estate.

The legislature obviously intended by its reference to real property in this section to give the administrator the power and duty he had formerly possessed with regard to personal property, Section 463.040 RSMo 1949.

We therefore see no reason why the public administrator of an estate, where there are no heirs or representatives of heirs and when the administrator has been properly appointed, should not proceed to sell the personal and real property of such decedent unless the court otherwise orders.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

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