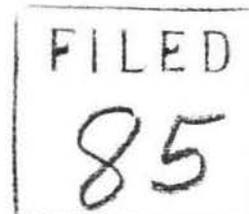


BONDS:
SURETY BONDS:
COUNTY COURT:
OFFICERS:
COUNTY SURVEYORS:

A County Court is authorized in its discretion to pay the bond premium for the Official Bond of the County Surveyor.

OPINION NO. 85

March 2, 1965



Honorable George B. Scott, Jr.
Prosecuting Attorney, Butler County
Butler County Courthouse
Poplar Bluff, Missouri 63901

Dear Mr. Scott:

You have requested an opinion of this office as to the responsibility of a county court to pay for the public bond of the County Surveyor under the provisions of Section 107.070 RSMo. 1959. The enclosed opinion of this office to E. W. Bennett, dated January 6, 1944, bears on your inquiry. It holds that under Section 3238, RSMo. 1939, now Section 107.070, RSMo. 1959, a county court may pay the premium on a surety company bond of officers who are required by law to enter into an official bond, where such bond protects the county. The question then becomes, does a county surveyor's bond protect the county?

Section 60.030 RSMo. 1959, states:

"Oath - bond - receipt of records.
Every county surveyor shall, within sixty days after receiving his commission, and before entering upon the duties of his office, take the oath prescribed by the constitution, and enter into bond to the state of Missouri, in a sum not less than one thousand nor more than five thousand dollars, to be determined by the county court, conditioned that he will faithfully perform all the duties of the office of county surveyor, and that at the expiration of his term of office he, or in case of his death, his executors or administrators, will

immediately deliver to the recorder of deeds of the county all the records, books and papers appertaining to his office; and it is hereby made the duty of the clerk of the county court to deliver to the recorder of deeds of their respective counties all the books, plats and copies of surveys of any county surveyor, or which may be on file in their respective offices, and take the recorder's receipt for the same."

The statute provides that the surveyor's bond shall be conditioned that at the expiration of his term or in case of his death there will be delivered to the Recorder of Deeds all the records, books, and papers appertaining to the surveyor's office. Section 60.340 RSMo. 1959, provides that the surveyor is to keep correct records of all surveys made by him in a book to be procured at county expense, which book is the property of the county.

Since the bond provides for the turning over of such books and papers to the County Recorder and since such books and papers are the property of the county, it results that the bond is given, in part at least, for the protection of the county.

CONCLUSION

It is the opinion of this department that a County Court is authorized, in its discretion, to pay the bond premium for the official bond of the County Surveyor.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Donald L. Randolph.

Yours very truly,


NORMAN H. ANDERSON
Attorney General

Enclosure