

October 30, 1967



Honorable Thomas O. Pickett
Prosecuting Attorney
Grundy County
924 Main Street
Trenton, Missouri

Dear Mr. Pickett:

Further reference is made to your letter of August 16, 1967, requesting our opinion on the question whether a county owning real estate in another county may dispose of such real estate by an auction held in the county where the land is situated, or whether the county court may take sealed bids on such land.

Section 49.270, RSMo 1959, provides that the county court shall have control and management of, and authority to sell any real estate belonging to the county.

Section 49.285, RSMo Supp. 1965, provides that a county owning real estate in another county, other than an adjoining county, must dispose of it within five years from October 13, 1963, or after five years from the date of acquisition of the real estate, whichever date last occurs. If the county fails to dispose of such real estate within that time, the sheriff of the county in which the land is located shall take possession of the real estate and sell it at public auction in the manner prescribed for partition sales.

We agree with you that during the five-year period from October 13, 1963, or from the date of acquisition whichever is later the county may dispose of the land under either of the methods mentioned in your question.

Yours very truly,

NORMAN H. ANDERSON
Attorney General