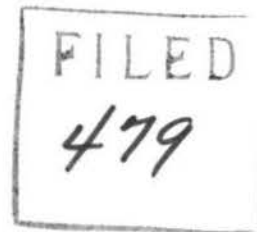


December 10, 1971

OPINION LETTER NO. 479
Answered by Klaffenbach

Honorable W. Clifton Banta, Jr.
Prosecuting Attorney
Mississippi County
105 North First Street
Charleston, Missouri 63834



Dear Mr. Banta:

This letter is in answer to your request for an opinion of this office concerning whether the county clerk of a third class county is required to prepare the county financial statement required by Section 50.800, RSMo 1969.

Section 50.800 states in part:

"11. At the end of the statement the person designated by the county court to prepare the financial statement herein required shall append the following certificate: . . .

"Officer designated by county court to prepare financial statement required by section 50.800, RSMo.

"Or if no one has been designated said statement having been prepared by the county clerk, signature shall be in the following form:

"Clerk of the county court and ex officio officer designated to prepare financial statement required by section 50.800, RSMo." (Emphasis added)

The language employed above leads us to conclude that if no one else is designated to prepare the financial statement the county clerk has the duty to prepare the statement.

Honorable W. Clifton Banta, Jr.

In order to avoid any misunderstanding between the county court and the clerk as to his function in this respect it would be appropriate for the court to enter an order that the county clerk prepare such statement in his official capacity if no other person is designated.

Very truly yours,

JOHN C. DANFORTH
Attorney General