

RE: ESCHEATS FUND: PAYMENT TO NONRESIDENT

April 23, 1937.

FILED

Honorable R. W. Winn,  
State Treasurer,  
Jefferson City, Missouri.

Dear Sir:

This department is in receipt of your letter of April 19th relative to the power of the State Treasurer to make payment from the escheats fund to the attorney in fact for a recently located heir at law of Frank Krapeinger, deceased.

Section 623, R. S. No. 1929, provides:

"Proceedings to recover money from state treasury. - Within twenty-one years after any money has been paid into the state treasury by an executor or administrator, assignee, sheriff or receiver, any person who appears and claims the same may file his petition in the court in which the final settlement of the executor or administrator, assignee, sheriff or receiver was had, stating the nature of his claim and praying that such money be paid to him, a copy of which petition shall be served upon the prosecuting attorney, who shall file an answer to the same."

Section 624 provides:

"Court to order warrant to issue, when.- The court shall examine the said claim, and the allegations and proofs, and if it find that such person is entitled to any money so paid into the state treasury it shall order the state auditor to issue his warrant on the state treasurer for the amount of said claim, but without interest or costs; a copy of which order, under the seal of the court, shall be sufficient voucher for issuing such warrant."

If these two sections of our law are complied with, we see no reason why you may not make payment from the escheats fund

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to a person holding the proper power of attorney from the newly located nonresident heir at law.

Respectfully submitted,

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JOHN W. HOFFMAN, JR., Assistant  
Attorney General.

JAH:EG

APPROVED:

*[Signature]*  

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J.W.H. (Acting) ATTORNEY GENERAL