



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable H. D. Stringer
County Attorney
Hall County
Memphis, Texas

Dear Sir:

Opinion No. 0-3130

Re: Under the facts set forth can the county attorney under Section 6, Article 7345b, Vernon's Annotated Civil Statutes, and proper pleading and evidence as to a reasonable attorney's fee recover 10% of delinquent tax collections?

Your recent request for an opinion of this department on the above stated question has been received.

We quote from your letter as follows:

"I, as County Attorney, and at the direction of the Commissioners' Court, have recently filed interventions in behalf of the State and Hall County, in certain tax suits filed by the City of Memphis, Texas, all under the applicable provisions of Art. 7345b, R. S.

"I would like your opinion as to whether under Sec. 6 of Art. 7345b, R. S., and proper pleading and evidence as to a reasonable attorneys fee I could recover 10%, as provided by said section.

"I am of course familiar with Art. 7332, R. S. which says the fee for the County Attorney in delinquent tax suits shall only be that prescribed by said Article. However, Art. 7345b being a later enactment, and Sec. 13 providing that in case of conflict the provisions of said Article should control, it oc-

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curred to me that I would be entitled to the fee set out in Sec. 6.

"It would seem that this construction would be a logical one because the fee prescribed by Art. 7332 is wholly inadequate."

This department has heretofore ruled on a question very similar to that presented in your inquiry in opinion No. 0-1695. In that opinion it was held that Section 6 of Article 7345b did not apply to county or district attorneys' regarding fees in delinquent tax suits. The county or district attorney is entitled to only those fees as are provided by Article 7332, Vernon's Annotated Civil Statutes. We are enclosing a copy of said opinion for your information.

In view of the statutes mentioned in opinion No. 0-1695, you are respectfully advised that it is the opinion of this department that the county attorney is not entitled to ten per cent of delinquent tax collections as mentioned in your inquiry, or any other compensation, but is entitled to only such fees as are provided by Article 7332, Vernon's Annotated Civil Statutes. Our opinion No. 0-836 is hereby overruled in so far as it conflicts with this opinion and opinion No. 0-1695.

Trusting that the foregoing fully answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED FEB 21, 1941

George B. Baker

FIRST ASSISTANT
ATTORNEY GENERAL

Ardell Williams

By

Ardell Williams
Assistant

W:CO

