



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable D. C. Greer  
State Highway Engineer  
Texas Highway Department  
Austin, Texas

Dear Sir:

Opinion No. 0-5877

Re: Payment of funds im-  
pounded by liens to  
receiver of contract

We acknowledge receipt of your letter of August 20, 1941, in which you request the opinion of this department upon the following stated fact situation which is copied from your letter:

"A creditor of the contractor has filed Receivership Proceedings and a Receiver has been appointed and has duly qualified. Evidence of the appointment of the Receiver has been furnished the Highway Department. Will you please advise us on the following question:

"Could the State Highway Department pay to the Receiver the funds due the contractor on the final estimate, which funds are not impounded by liens filed with this office, without first obtaining releases or withdrawals of the liens? In other words should not the Highway Department continue to protect all liens in full before any payment can be made to the Receiver?"

It is the opinion of this department that the position occupied by the receiver differs in no respect from that previously occupied by the contractor, and that insofar as the payment of funds due on final estimate is concerned the re-

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seiver is entitled to no rights over and above the rights possessed originally by the contractor.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

/signed/  
Ross Carlton  
Assistant

RC:FB

APPROVED SEP 9, 1941  
/s/ Grover Sellers  
FIRST ASSISTANT  
ATTORNEY GENERAL

APPROVED  
OPINION COMMITTEE  
By /s/ B.W.B.  
Chairman