



**THE ATTORNEY GENERAL
OF TEXAS**

GERALD C. MANN

AUSTIN 11, TEXAS

ATTORNEY GENERAL

Honorable Herbert C. Martin
District Attorney
Littlefield, Texas

Dear Sir:

Opinion No. 0-3886
Whether lots purchased by a
city under Section 9 of
Article 7345b, V.A.C.S.,
may be sold for less than
the amount of judgment
against the same.

In your letter of August 21, 1941, you advise that the city of Olton, as a taxing unit, purchased a number of lots situated in said city for the use and benefit of itself and other taxing units which were parties to such suit, in a proceeding under Article 7345b, Vernon's Annotated Civil Statutes. The other taxing units which were parties to said suit were the State and county and an independent school district. It is assumed that two and a half years have not passed since the sale at which the city bought the lots. You request our opinion as to whether or not the said city of Olton may now sell said lots for an amount less than the amount of the judgments rendered against the property in said suit.

Under the provisions of Sections 8 and 9 of said Article 7345b a taxing unit party to the foreclosure suit may purchase the property foreclosed upon. In the event such property is bought by one of the taxing units, such unit purchases the same for the use and benefit of itself and all other taxing units which are parties to the suit and which have been adjudged in said suit to have tax liens against the property. Nowhere in the statute is there an absolute prohibition against the sale of such property by the purchasing unit. On the other hand, by clear implication, such a unit may sell the property thus acquired, subject to certain restrictions contained in the act. It is provided that the purchasing unit may not sell any such property for less than the adjudged value or the total amount of judgments awarded in said suit against the property, whichever is lower, without the written consent of all taxing units which obtained judgments fixing their tax liens against the property foreclosed upon in said suit. It is our opinion that the said city of Olton may sell

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said property for an amount less than the total recoveries allowed in said suit against the same, with the consent of the State and county and the independent school district. Consent in behalf of the State may be given by the county tax collector. If there was an adjudged value, and the amount for which the property is sold exceeds such adjudged value, sale may be made by the city without obtaining the consent of the other units.

APPROVED SEP 8, 1941

Yours very truly

/s/ Grover Sellers

ATTORNEY GENERAL OF TEXAS

FIRST ASSISTANT ATTORNEY GENERAL

GRL:WFS-dhs

By /s/ Glenn R. Lewis
Glenn R. Lewis
Assistant

APPROVED OPINION COMMITTEE

BY /s/ B. W. B.
CHAIRMAN