



**THE ATTORNEY GENERAL
OF TEXAS**

GROVER SELLERS
~~JOHN O. SELLERS~~
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable C. H. Cavness
State Auditor
Austin, Texas

Dear Mr. Cavness:

Opinion No. O-6010
Re: Disposition of funds in dormant
bank accounts belonging to inmates
of State penitentiaries.

Your request for an opinion upon the above subject matter is as follows:

"This is to respectfully request your opinion as to what is to be done in the following situation which has come to our attention during the course of our current audit of the accounts and records of the Texas Prison System:

"There is a cash balance of \$3,255.94 in a Huntsville Bank in an account entitled 'Escheat Fund' which represents money that belongs to, or has belonged to, inmates who have escaped or died or, in some instances, been discharged (and present whereabouts unknown) -- all of whom have failed to get their money. The account dates back over a long period of years and has been gradually built up with deposits transferred from another bank account in which is kept the active accounts of the inmates' personal funds.

"What should be done with these funds?"

If the funds mentioned by you constitute an account which has been dormant for such time as to authorize an escheat proceeding, the procedure is authorized and defined by Article 3273 of the Revised Civil Statutes of Texas, which reads as follows:

"When the district or county attorney shall be informed, or have reason to believe, that any estate, real or personal, is in the condition specified in the preceding article, he shall file a sworn petition which shall set forth a description of the estate, the name of the person last lawfully seized or possessed of same, the name of the tenants or persons in actual possession, if any, and the names of the persons claiming the estate, if any such are known to claim or whos claim may be discovered by the exercise of reasonable diligence, and the facts and circumstances in consequence of which such estate is claimed to have escheated and the

Honorable C. H. Cavness, page 2 (O-6010)

"diligence exercised to discover the claimants of same, praying that such property be escheated and for a writ of possession therefor in behalf of the State."

We hand you herewith copy of our Opinion No. O-5844, addressed to Honorable Jesse James, State Treasurer, dealing with the same questions that you present.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By /s/ Ocie Speer

Ocie Speer
Assistant

OS-MR;egw

Enclosure

APPROVED MAY 27, 1944
/s/ Geo. P. Blackburn
Acting ATTORNEY GENERAL OF
TEXAS

APPROVED
OPINION COMMITTEE
BY E.A. CHAIRMAN