



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable C. H. Cavness
state Auditor
Austin, Texas

Dear Mr. Cavness:

Attention: Mr. C. H. Langdeau
Plaza Hotel,
Huntsville, Texas

Opinion No. 0-7306

Re: What should be done with pay-
roll warrants issued after the em-
ployee died?

Your letter stating that you had two payroll warrants for the Prison System covering the June, 1946, payroll, where the employees died before same could be delivered. You ask what should be done with these warrants.

Under the law, where a person dies, his property -- both real and personal -- is inherited under the law of descent and distribution, unless the deceased made a will, in which event, his property is disposed of under the terms of the will. These warrants, therefore, should be delivered to the heirs of the deceased, or to the executor or administrator of the estate, if there be one. It will be the duty of the Treasurer or Comptroller to satisfy themselves that the party or parties, who present these warrants for payment, are the proper and legal persons entitled to receive payment thereon. You, as Auditor, have no responsibility in the matter, and have no control over said warrants.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Geo. W. Barcus*
Geo. W. Barcus
ASSISTANT

GVB-MR

W. J. Guppert

