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Executive Director

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JD #15114
MBJ

TEXAS YOUTH COMMISSION

4900 North Lamar
P. O. Box 4260 • Austin, Texas 78765
(512) 483-5000

February 3, 1992

The Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711

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Re: Opinion Request

Opinion Committee

Dear General Morales:

Since February 27, 1962, when the Texas Youth Commission ("TYC") received via executor's distribution deed the residuary of Parrie Haynes' estate, TYC has held said property, which includes the 4,425 acre Parrie Haynes Ranch, as an income producing corpus and used the income to aid orphan beneficiaries who are wards of TYC.

The codicil to the will of Parrie Haynes provides, "The remainder of my estate shall go to the State Orphan Home of Texas to help orphan children." The Texas Youth Commission is of the opinion that said bequest creates a charitable trust for benefit of orphans with the State Orphans Home of Texas (now the Corsicana Residential Treatment Center, a facility of the Texas Youth Commission) as trustee. The General Land Office ("GLO") maintains, however, that said language creates an outright bequest to the Asylum Fund created by Art. 7, Sec. 9 of the Texas Constitution. We ask for your official opinion on which view is correct. TYC's brief in support of its position accompanies this request for opinion. TYC also is sending copies of this letter and the brief to the GLO and the Attorney General's Charitable Trust Section.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary D. Compton".

Gary Compton
Chairman of the Board

LB/sf

cc: Spencer Reid
Deputy Commissioner
Asset Management Div.
Texas General Land Office
1700 North Congress Ave.
Austin, Texas 78701-1495

Rose Ann Reeser
Chief
Charitable Trust Section
Texas Attorney General's Office
P.O. Box 12548
Austin, Texas 78711-2548

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