

February 2, 1933.

Mr. C. M. Taylor
County Assessor
Tucson, Arizona

My dear Sir:

In reply to your letter of the 27th ultimo addressed to the Attorney General, I advise you as follows:

It is true that the Motor Vehicle Division, Arizona Highway Department, have been advised that prior to the transfer of any certificate of registration of title to any motor vehicle, such transfer can only be made if the person asking to effect such transfer has established that he is entitled to have such transfer made. In the case of motor vehicles belonging to deceased persons, the division was advised that only the person authorized to administer the estate of the deceased could secure a transfer of the title to such vehicle. Where the estate is of considerable value, a representative is, of course, always appointed, and no difficulty is then encountered. It is only when the estate is of small value, or the vehicle - title to which is sought to be transferred - is the only property left by the deceased, does some apparent difficulty arise. However, in such cases, any person, under the provisions of Section 4163, Revised Code of 1928, may be appointed as the representative of the deceased person without cost, and may liquidate and settle the estate. Thus, if a person dies and leaves only a motor vehicle worth less than \$300.00, no expense is incurred in the summary probate of his estate.

In view of this provision for summary probate proceedings, I do not feel that it is unjust to require all persons seeking to transfer title to a motor vehicle to give sufficient proof of their authority so to do. This is absolutely necessary if any title issued by the Motor Vehicle Division on a motor vehicle is to mean anything, or the purchaser of such vehicle is to rely upon the regularity of the title thereto.

C. M. Taylor

-2-

February 2, 1933

To facilitate procedure under the provisions of Section 4163, supra, I have prepared and submitted to the superintendent the necessary forms. Undoubtedly, these forms may be procured from him.

Very truly yours,

Attorney General

By

RBS:w

Assistant Attorney General