

March 7, 1938

**LAW LIBRARY  
ARIZONA ATTORNEY GENERAL**

Mr. Carl D. Hammond,  
County Attorney  
Kingman, Arizona.

Dear Sir:

We have your letter of the 2nd in reference to the claim against the Estate of A. D. Coolidge, deceased. We have gone into the matter to a certain extent and have come to the conclusion that the claim was properly presented on behalf of the State of Arizona and Mohave County in a joint claim, and that you can maintain an action on behalf of the State and the County on the claim as presented.

Section 2492m of the 1936 Supplement provides that the Attorney General or County Attorney shall take the necessary steps to recover such claim and the amount so recovered shall be paid into the State Treasury and the County Treasury in proportion to their respective payments on such pension. This provision seems to contemplate that it is a joint claim on behalf of the State and County and that the apportionment is made after a recovery is had upon the claim. In the case of Carr v. Frohmler, 56 Pac. (2d) 644, reading on page 646, the Supreme Court said:

"We think, however, since the pension for the month in which the pensioner dies is made a part of the funeral expenses, it is but reasonable to assume that it was intended by the legislature to be a joint obligation of the state and county in proportions of 67% and 33% respectively."

If the payment of the pension is a joint obligation of the State and County, we think it necessarily follows that the recovery of payments made is also a joint obligation.

When you file your suit, if you like, you may sign the Attorney General's name to the complaint along with your name.

Yours very truly,

JOE CONWAY  
Attorney General

EARL ANDERSON  
Special Assistant  
Attorney General