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ARIZONA ATTORNEY GENERAL

April 28, 1952
Opinion No. 52-119

4/29/52
Mr. M. V. Gibbons
Apache County Attorney
Courthouse
St. Johns, Arizona

Dear Mr. Gibbons:

This will acknowledge receipt of your letter in which you ask our advice on a problem concerning warrants issued by the County Treasurer but never presented for payment. Your letter, so far as material herein, read as follows:

" * * * We have at least 6 outstanding warrants that had been such for years.

In some instances the parties lost them and have since died and the County Treasurer is still carrying along these amounts.
* * * "

Section 17-702, ACA 1939 (Pocket Supplement), provides for a method of correction of errors in the County Treasurer's books. We are of the opinion that subsections (b) and (c) of this section are designed to cope with situations such as mentioned in your letter. These sections read as follows:

"(b) Any check drawn by the county treasurer in his official capacity which is not presented for payment within one (1) year after the drawer of the check has ceased to occupy the office of county treasurer shall be deemed to be outlawed and the depository upon which the check was drawn shall, upon certification to it of the amount of such check, the date on which drawn and the name of the payee, pay the amount over to the county treasurer, who shall place it in the county general fund.

(c) At the time within one (1) year after

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April 28, 1952
Op. No. 52-119
Page two

an unrepresented check is outlawed, as provided in subsection (b), the person in favor of whom the check was drawn, his administrator, successors or assigns, may present a claim for the amount thereof, to the board of supervisors, and if the board finds that the claim is a legitimate one, and that there was good and sufficient reason for failure to present the original check, it may allow the claim and order the same paid from the county general fund."

The procedure as outlined is self-explanatory and provides for a method of placing the funds for unrepresented warrants in the county general fund.

We trust this answers your question, and remain

Sincerely,

FRED O. WILSON
Attorney General

A. C. MARGNEZ
Assistant Attorney General

ACM:d