

COUNTY COLLECTORS: County Collector of Jasper County may not establish and maintain a branch office at Joplin under the provisions of Section 9899 R. S. Mo. 1929.

August 2, 1939.

Mr. Harold Fenix
Collector of Revenue
Jasper County



Dear Mr. Fenix:

We desire to acknowledge receipt of your letter of June 14, 1939 requesting an opinion of this office, which is as follows:

"In regard to our conversation on Jones-Munger Law with Mr. Stone; I would appreciate all opinions that you may have on this subject, especially where one may redeem by paying bid and subsequent tax.

"I would also appreciate an opinion on opening an office, at Joplin, Missouri, as this comes under section 9899, with the exception that the Court House at Joplin is rented and not owned by the County.

"Thanking you for the courtesy extended by your Deputy, Mr. Stone, on our recent visit to your office."

Please find enclosed a group of opinions rendered by this office on the question of redemption, one of which is upon the question as to what sums the certificate holder is entitled to receive in case of redemption.

Section 9899 R. S. Mo. 1929 is as follows:

"In all counties in this state that may now or hereafter have a population of 25,000 and less than 40,000, and in which there is a city of over 15,000 population, more than ten miles distant from the county seat, and in which said city there is a courthouse owned by the county, and in which said courthouse there is held regular and legally established terms of a court of common pleas, it shall be the duty of the collector of the revenues of such county to maintain in addition to his office at the county seat a branch office in the courthouse located in the said city of 15,000 population or more, for the convenience of the taxpayers of said county living within the jurisdiction of said court of common pleas."

Under the provisions of the above statute there are the following precedent conditions to the establishment and maintenance of a branch office by the collector of any county of this state:

1. Counties in this state that may now or hereafter have a population of 25,000 and less than 40,000 and in which there is a city of more than 15,000 population more than ten miles distant from the county seat.
2. In which city there is a court house owned by the county.
3. In which court house there is held regular and legally established terms of a court of common pleas.

The purpose of the establishment of said branch office as expressed by said statute is

"for the convenience of the taxpayers of said county living within the jurisdiction of said court of common pleas."

The laws of Missouri have provided for only four Courts of Common Pleas to-wit: Cape Girardeau, Hannibal, Louisiana and Sturgeon.

Mr. Harold Fenix

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CONCLUSION

Therefore, it is the opinion of this department that the County Collector of Jasper County, Missouri may not, under the provisions of Section 9899 R. S. Mo. 1929, establish and maintain a branch office at Joplin.

Respectfully submitted,

S. V. MEDLING
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney-General

SVM:LB