

**Escheated Estates—Disposition of in Hands of Public Administrator.**

The court should make the proper order that the fund of an escheated estate be transmitted to the State Treasurer.

C. C. Rowan, Esq.,  
County Attorney,  
Red Lodge, Montana.

My dear Mr. Rowan:

Your letter inquiring regarding the disposition to be made of the estate of Ben McGath has been received.

In an opinion found in Volume 8, Opinions Attorney General, 448, it was held that where property of a decedent without known heirs is in the control of the Public Administrator, that officer is merely required to transmit the proceeds of such estate to the County Treasurer, who will transmit the same to the State Treasurer under the provisions of 10001 of the Revised Codes of 1921, and that the proceeds will there await further action instituted by the Attorney General to secure a judgment of escheat in accordance with the provisions of Sections 7089 to 7091 and 9959 of the Revised Codes of 1921.

This is in accordance with a decision of the California Supreme Court in Miner's Estate, 76 Pac. 968.

Under this opinion all that will be necessary at present is that the court make the proper order that the fund be transmitted to the State Treasurer as an escheated estate.

The provisions relating to determination of heirship have application to persons desiring to establish their claims as heirs and not to escheated matters, and it will be unnecessary to bring any action to determine heirship on behalf of the State, the determination of the right of the state being made under Sections 7089 to 7091 and 9959, *supra*.

Very truly yours,

WELLINGTON D. RANKIN,  
Attorney General.