

Sheriff—Fees for Advertising Sale Under Execution.

The Sheriff is limited to the collection of one dollar for all services in advertising property for sale by posting the three notices and publishing in a newspaper, as provided in Section 4918 of the Revised Codes of 1921.

L. Q. Skelton, Esq.,
State Examiner,
Helena, Montana.

My dear Mr. Skelton:

You have inquired what fees the Sheriff should collect and pay to the county in connection with giving notice of and advertising the sale of real or personal property under execution or order of sale in cases where three notices are posted and notice is given by publication in a newspaper.

Section 4916 of the Revised Codes of 1921 enumerates the fees of Sheriffs. The only provision therein relating to your inquiry is as follows:

“For advertising any property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, one dollar.”

While Section 9432 of the Revised Codes of 1921 requires the Sheriff to post in three public places, and also publish in a newspaper in the county, the notice of sale on execution, no provision is made for fees or expenses of Sheriffs for such services.

The only provision of the statute authorizing any fee for advertising in connection with sales of property under execution or other order of sale being that above quoted for the county, it is my opinion that the Sheriff is limited to the collection of one dollar for all services in advertising property for sale by posting the three notices and publishing in a newspaper as provided in the above statutes.

Very truly yours,
WELLINGTON D. RANKIN,
Attorney General.