

**State Highway Commission — Assignments — Whether Blanket Assignment Must Be Recognized.**

A blanket assignment for money due or to become due under an existing contract must be recognized by the State Highway Commission.

Geo. W. Lanstrum, Esq.,  
State Highway Commissioner,  
Helena, Montana.

My dear Mr. Lanstrum:

I have your communication in which you ask whether the State Highway Commission must accept a blanket assignment covering all moneys due or to become due incident to the prosecution and completion of a certain work under a construction contract.

The Supreme Court of this State, in the case of *Rate v. American Smelting & Refining Co.*, 56 Mont. 277, has held that an assignment of wages to be earned in the future, under an existing employment, is valid. This is the rule announced by the authorities generally, and there is no doubt but that an assignment may be made of money which is due, or which may in the future become due. (5 C. J. pp. 864 and 868.)

It is also well settled that there is no particular form necessary to constitute a valid assignment. The general rule is stated in 5 C. J., page 906, as follows:

"Where the assignment is in writing no special form of words or language is required to be used, although the operative words of an assignment generally used are 'sell, assign, and transfer,' or 'sell, assign, and set over.' It may be in the form of an order on the debtor or holder of the fund assigned to pay the debt or fund to another person. Any language, however informal, if it shows the intention of the owner of the chose in action to transfer it, will be sufficient to vest the property therein in the assignee. Of course any statutory requirements as to the form of an assignment must be observed."

It is, therefore, my opinion that a blanket assignment of money due or to become due under an existing contract must be recognized by your Department.

Very truly yours,

WELLINGTON D. RANKIN,  
Attorney General.