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Opinion No. 255.

**Tax Deeds—Notice of Application—
Service of Notice—Posting Notice.**

HELD: 1. Service of notice of application for tax title may be made upon (1) owners, (2) mortgagees, and (3) assignees of mortgagees by registered letter but the occupant of the property must be served personally.

2. No posting of notice upon the property, of application for tax title, is required.

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February 29, 1936.

Mr. E. P. Conwell
County Attorney
Red Lodge, Montana

You have submitted two questions:

"Under Section 2209 of the Revised Codes of Montana, as amended by Chapter 156 of the Session Laws of the Twenty-first Legislative Assembly and Chapter 190 of the Twenty-third Legislative Assembly, can service be made by registered letter on all parties required to be served under the law, or, in certain cases must service be made in person?"

Section 2209 R. C. M. 1921, as amended by Chapter 156, Laws of 1929, as amended by Chapter 190, Laws of 1933, provides: "Notice of

(to) owner, mortgagee or assignee of mortgagee shall be given by registered letter addressed to such mortgagee or assignee * * *."

By reason of this provision, service of notice by registered letter addressed to (1) owners, (2) mortgagees, and (3) assignees of mortgagees, would constitute proper service. The statute, however, provides that notice must be served upon "the person occupying the property, if said property is occupied." Since the statute, as above quoted, does not provide that service may be made upon such person occupying the property, by registered mail, it is my opinion that notice must be personally served upon such person.

"Under Section 2209 as amended, is it necessary for the County Clerk, to post any property for which Application for Tax Title is to be made?"

Although posting was required in the case of unoccupied property, or a mining claim, in the statute before amended, this provision was eliminated in said Chapter 190, and, therefore, in my opinion no posting of notice upon the property is required.