

School Districts, Division of Indebtedness—Indebtedness of School District, Where None to Divide.

Where school districts have no indebtedness to divide on the formation of a new district, each retains its property.

May 10, 1920.

Miss May Trumper,
State Superintendent of Schools,
Helena, Montana.

My Dear Miss Trumper:

You have submitted to me a letter from Miss Ellen Wilson, County Superintendent of Schools of Sheridan County, in which she has submitted the question of the proper division of indebtedness between two districts where one of the districts has recently been cut off from the other in the formation of a new district.

It appears that district No. 8 was the number of the old district, and that district No. 66 was cut off therefrom and made a new district. Prior to the division of the District, No. 8 had issued bonds in the sum of \$4,000.00. It appears that this entire amount is retained by No. 8 to be used by it in constructing new buildings. Prior to this issue there was no indebtedness of any kind against district No. 8. Each of the districts, as now constituted, have certain school buildings and personal property included within their limits, all of which has been paid for out of taxes levied for that purpose. There is really no indebtedness against district No. 8 which could be charged to district No. 66.

Subdivision 4 of Section 405 relates only to the case of division of indebtedness, and where there is no indebtedness there is nothing to divide. Each district will, therefore, retain the property within its limits, without any obligation to the other.

Respectfully,

S. C. FORD,

Attorney General.