

**Building and Loan Associations—Banks and Banking—  
Withdrawal Fees.**

Building and loan associations are not entitled to impose a collection fee of one per cent upon members withdrawing their stock.

L. Q. Skelton, Esq.,  
Superintendent of Banks,  
Helena, Montana.

My dear Mr. Skelton:

You have requested my opinion whether it is proper for a building and loan association to impose a collection fee of 1 per cent upon members withdrawing their stock.

As I understand, this fee is claimed to have been paid out by the building and loan association to a bank for handling the account of the particular member in the association.

Section 6358, R. C. M. 1921, is specific regarding the deductions that may be made against the account of a member desiring to withdraw his stock. This section provides as follows:

“Any member who withdraws his stock, or whose stock is matured, shall be entitled to receive all dues paid in and all dividends declared, less fines imposed for non-payment of dues, less a reasonable withdrawal fee not exceeding two dollars for each share of stock, and less a pro rata share of all losses, if any, which have occurred, and no other fine or assessment shall be made against such stock.”

From the language of this section of our statute it is apparent that no fines or assessments can be made except as therein provided and in my opinion a collection charge of 1 per cent is not authorized to be deducted by this section.

It is, therefore, my opinion that a building and loan association may not impose a collection fee of 1 per cent upon members withdrawing their stock.

Very truly yours,

L. A. FOOT,  
Attorney General.