

sidered desirable to sell the school building and some minor articles of personal property. District No. 13 and District No. 42 each appointed an appraiser, and the property was appraised at \$300. A date was set for the sale, and the sale was advertised in the Fairview and Sidney papers. On the day advertised for the sale, Mr. Horsley, acting for the two school districts, held a public auction and sold the property for \$280. That amount was paid in cash. The question has now arisen whether the sale was legal and valid, and you have asked that we render an opinion upon it.

In our opinion, when the district was abandoned, the property in question became the property of either District No. 13 or District No. 42. (See Vol. 8, Report and Official Opinions of the Attorney General, p. 171.) I quote from an opinion rendered by this office on March 3, 1933: "I find no provision in the statutes which prescribes the procedure to be followed by school trustees in selling or disposing of school buildings. In the absence of such specific provision, I am of the opinion that the trustees should be left free to use their own discretion in selecting the mode of procedure and that their action would be upheld if the mode of procedure is reasonably well adapted to the accomplishment of the end. * * *"

Accordingly, it is our opinion that the procedure followed by the school districts and the county superintendent in this case was suitable and sufficient and that the sale was legal and valid.

I infer from the correspondence that the question has been raised by a party who is contemplating purchasing from the party who bought at the auction sale. Since, in our opinion, the sale was valid, objections raised by individuals at this time are of no concern to the school authorities.

Opinion No. 221.

Schools—Abandoned Districts—Buildings, Sale of—Property, Sale of—Auction—County Superintendent of Schools.

HELD: The county superintendent of schools may sell the building and property of an abandoned school, properly appraised, at a noticed public auction.

January 2, 1936.

Mr. Lee Butler Farr
County Attorney
Sidney, Montana

From letters received from you and from Mr. A. G. Horsley, Superintendent of Schools, it is our understanding that after School District No. 59 of Richland County was abandoned last February and its territory apportioned to Districts 13 and 42, it was con-