



STEVE CLARK
ATTORNEY GENERAL

STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

OPINION NO. 85-1

January 2, 1985

Mr. W. J. "Bill" McCuen
Commissioner of State Lands
State Capitol Building
Little Rock, Arkansas 72201

Dear Mr. McCuen:

You have requested an opinion from this Office regarding the State Land Commissioner's possible issuance of a deed to tax-forfeited land. In your request, you provided me with a letter from the Chancellor of Southern Arkansas University, El Dorado Branch, in which he requests your Office to transfer the title of a lot close to the Southern Arkansas University campus by authority of Ark. Stat. Ann. §10-904 (Repl. 1976). That statute provides:

The Commissioner of State Lands is hereby authorized and directed, upon the application presented by the management or board of trustees of any State Institution, to issue deed to said Institution's Board of Trustees for any tax-forfeited lands on his records as having been forfeited for the non-payment of taxes; provided, that such tax-forfeited land shall adjoin land already owned by said State Institution. . . (Emphasis added).

The land in question, as you note, is not adjoining land owned by Southern Arkansas University, but is "within the area of expansion under consideration by the Board of Trustees and management".

Thus, you are not authorized pursuant to §10-904 to deed the tax-forfeited land in question unless and until it adjoins land owned by Southern Arkansas University.

The foregoing opinion, which I hereby approve, was prepared by Deputy Chief of Staff R.B. Friedlander.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark".
STEVE CLARK
Attorney General

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