

Opinion No. 14-1230

May 13, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. G. L. Brooks, Albuquerque, New Mexico.

UNIVERSITY.

Board of regents of university has power to execute deed for real estate.

OPINION

{*93} I have your letter of yesterday in which you call my attention to the land formerly belonging to Mrs. Charles Crary which was condemned and the title thereby transferred to the Territory of New Mexico for the use of the University, and you say that you have arranged to exchange a small piece from one corner for another small piece adjoining your lands close to the University, and you desire to know who should be named as the grantor in the deed you give.

This is not, at the first glance, entirely plain, but I believe it will be perfectly safe for the Board of Regents to make the deed as the board is, by statute, made a body corporate, while the University has no such corporate status. There is no provision in law by which we could have a deed made in the name of the State, but I do not consider that the grantee would run any risk in taking a deed from the board.

Section 3571 of the Compiled Laws of 1897 provides that the care and preservation of property of the University are committed to the Board of Regents and Section 3573 provides that that board shall constitute a body corporate with power to sue and be sued, to contract and be contracted with, and have a common seal. Section 3575 provides that the board shall sign all instruments required to be executed by the board. While it is not distinctly provided by statute how land belonging to the University shall be conveyed, yet as the {*94} board has power to contract and be contracted with and to sign all instruments necessary, it would seem to follow, as a matter of necessity, that the board must execute any such deed.