

**Opinion No. 23-3714**

July 5, 1923

**BY:** JOHN W. ARMSTRONG, Assistant Attorney General

**TO:** Requested by: R. L. Ormsbee, Special Deputy Bank Examiner.

**Parents May Apply Bank Accounts of Minors Toward Discharge of Notes Owning Closed Banks.**

**OPINION**

{\*66} You say certain parents of minors, aged somewhere about ten years, were in the habit of making small deposits in the Capital City Bank in the name of such minors subject to the check and withdrawal of such parents at their will. You ask whether or not these parents may apply these accounts so standing in the name of minors toward the discharge of notes, due the Bank, same being the indebtedness of the actual depositor.

We think your office may legally pursue such a course.

You make inquiry also as to a deposit standing in the name of the wife of the maker of a note, due the Bank, under which circumstances the husband and wife desire to apply the sum of their deposits toward the discharge of such note. Any deposit, standing in the name of either the wife or husband, is probably community property and is subject to the satisfaction of the note in question, the latter being made doubtless for the benefit of the community. The wife's assent to such application of the deposit would be sufficient acknowledgment that the funds were in fact community property and that the note was made for community benefit.

Under the circumstances, we think, the wife's deposit may be applied toward the satisfaction of the note.