

**Opinion No. 37-1514**

January 29, 1937

**BY:** FRANK H. PATTON, Attorney General

**TO:** Brig. Gen. Russell C. Charlton The Adjutant General Santa Fe, New Mexico

{\*47} Your letter of November 29th inquires as to the procedure necessary to dispose of certain real property under the provisions of Chapter 89 of the Session Laws of 1933.

My suggestion is that in order to comply fully with the statute you first obtain an order from the Governor of the State directing you to proceed under the statute to dispose of said property.

Upon receipt of said order the property should be advertised for sale at public auction and the publication should appear in four consecutive issues of some newspaper in Chaves County.

The Governor, however, may order that you dispose of such property at private sale, in which event it is my belief that notices of sale and publication of same would not be necessary.

After the sale of the property (and this is in anticipation of a question which I am sure will follow such sale) the monies received may be expended only in the city, town, {\*48} village or municipality where the property so sold was located.

Trusting the foregoing sufficiently answers your inquiry, I am,