

**Opinion No. 46-4877**

March 12, 1946

**BY:** C. C. McCULLOH, Attorney General

**TO:** Cecilia Tafoya Cleveland Secretary of State Santa Fe, New Mexico

{\*205} Replying to your letter of March 9, 1946, wherein you request an opinion of this office on the following facts:

A trade mark was obtained in the year 1925 and continued as the property of the business until the year 1933 at which time the business {\*206} went into the hands of a receiver, and the business was then sold to the present owner by the receiver. The record further shows the trade mark has been abandoned for the past 12 years.

"Trademarks and trade-names, other than personal ones, are property and pass to an assignee for the benefit of creditors, and may be sold in bankruptcy, in connection with the business and good will." 63 C.J. 519.

By reason of the foregoing, unless there are some facts not before me which would conflict, the title to the trademark passed to the buyer from the receiver.

By THOS. C. McCARTY

Asst. Atty. General