

It is accordingly my opinion that these bonds constitute valid and legal obligations of said county.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1971.

AID FOR THE AGED—WHERE RECIPIENT DECEASED—
WARRANT FORGED—CASH OR PROCEEDS—REIM-
BURSEMENT—PROPERLY PAID TO ADMINISTRATOR
OR EXECUTOR OF ESTATE.

SYLLABUS:

Where reimbursement on a warrant for old age assistance, which was cashed by a forged endorsement, is had by the Division of Aid for the Aged in the Department of Public Welfare, after the death of the recipient, the proceeds of such reimbursement should properly be paid to the administrator or executor of the estate of such deceased recipient.

COLUMBUS, OHIO, February 23, 1938.

HONORABLE H. J. BERRODIN, *Chief Division of Aid for the Aged Department of Public Welfare, Columbus, Ohio.*

DEAR SIR: Your communication of recent date requesting my opinion reads as follows:

“We have several cases of forged warrants where the payee, that is the recipient, is deceased, and question has been raised whether reimbursement for the forged warrant should be payable to the estate of the deceased recipient or to the Division to be placed in the pension fund.

“We have been holding that the proceeds of all warrants are the property of the recipient so long as living but upon death that the interest which they had in such warrants reverts to the state. In other words, under the provisions of Section 1359-27, the recipients have no vested right or interest in their aid and, therefore, the proceeds of all warrants belong to the recipient or the state.

“Please advise us whether we are correct in this opinion

or not. Since we are having several of our cases held up in the Auditor's Office on account of this question, we will appreciate a prompt reply."

As I understand your request, the circumstances under which the inquiry arises are similar to the following:

A, a recipient of old age assistance, does not receive his monthly warrant covering the same for the month of July. However, the warrant has been endorsed by B who has forged A's name thereon. In August, A makes a statement to the Division of Aid concerning the fact that he has not received the July warrant. If, upon investigation, the Division is satisfied that the statement of the recipient is true, then the last name appearing as an endorser on the warrant is identified, the last endorser is then required to reimburse the Division on the forged warrant and the proceeds thereof are deposited to the credit of the so-called pension fund. In October the recipient dies without having received the amount of his monthly award for July, then I understand that the question arises as to whether the reimbursement received by the Division after the death of the recipient, should be paid to the estate of the recipient or to the so-called pension fund.

Section 1359-27, General Code, reads as follows:

"Aid granted under this act and certificates of aid shall be deemed to be granted and held subject to the provisions of *any amending or repealing acts that may hereafter be passed*; there shall be no vested right or interest in such aid; and no beneficiary hereunder shall have any claim by reason of his aid being reduced or terminated by any amending or repealing act."

The language of the statute is clear and specific, and states that the old age assistance granted to a recipient is held subject to the provisions of any amending or repealing acts that may thereafter be passed. While it is obvious that there is no vested right in an applicant to receive old age assistance, nevertheless, once his application has been granted and a certification made by the Division of Aid for the Aged to the Auditor of State, upon which certification the Auditor issues a state warrant payable to the applicant each month, and once the warrant has been issued, it then of course becomes the property of the applicant.

Section 1359-29, General Code, reads as follows:

"This act shall be liberally construed to accomplish the purposes thereof. Nothing herein shall be construed as repealing any other act or part of an act providing for the support of the

poor except insofar as plainly inconsistent herewith, and the provisions of this act shall be construed as an additional method of supporting and providing for the aged poor."

The language of this last-quoted section is quite clear in providing old age assistance in the State of Ohio as additional relief for persons eligible thereto. It is a well established rule that an executor or administrator of the estate of a deceased person acquires for the purposes of his trust, all the personal property which the decedent owned at the time of his death for the purpose of the payment of debts of the decedent, and for distribution of the remainder to the persons rightfully entitled thereto. Once the warrant of the Auditor of State has been mailed to the recipient, that warrant is personal property of the recipient. The fact that it is thereafter lost or forged does not change the ownership therein.

Certainly the purpose of the act granting aid for the aged in Ohio is that eligible aged persons in need of this assistance may receive the same, and Section 1359-29, General Code, *supra*, gives ample authority for carrying this purpose into effect.

In specific answer to your question, it is therefore my opinion that where reimbursement on a warrant for old age assistance, which was cashed by a forged endorsement, is had on the death of recipient, the proceeds of such reimbursement should properly be paid to the administrator or executor of the estate of the decedent-recipient.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1972.

COUNTY TREASURER—MUNICIPAL PUBLIC LIBRARY—TAX
LEVY—VILLAGE TREASURER MUST ESTABLISH
PUBLIC LIBRARY FUND—LIBRARY TRUSTEES MUST
DIRECT AS TO DISBURSEMENTS—WHERE LIBRARY
TRUSTEE MOVES OUTSIDE LIMITS OF CORPORATION
—FORFEITS OFFICE.

SYLLABUS:

1. *Money that comes into the hands of the county treasurer by virtue of a special tax levy authorized under the provisions of Section 5625-6, General Code, for a municipal public library established in ac-*