

184.

## APPROVAL, CONTRACTS FOR HIGHWAY IMPROVEMENT IN FRANKLIN AND LICKING COUNTIES, OHIO.

COLUMBUS, OHIO, March 2, 1933.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

185.

## REAL ESTATE APPRAISERS—JUDICIAL SALE—COMPENSATION LIMITED TO SUM OF ONE DOLLAR PER DAY—COURT MAY SET HIGHER FEE.

## SYLLABUS:

1. Section 3006, General Code, by reason of the irreconcilable inconsistency of its provisions with those contained in Section 11714, General Code, supersedes the provisions of such latter section, in so far as it purports to fix the compensation for appraisers of real estate sold as on execution.

2. By virtue of the provisions of Section 3006, General Code, appraisers of real estate in a judicial sale as on execution are entitled as compensation for their services to the sum of one dollar per day.

3. Since appraisers of land in foreclosure sales are required to be appointed by the officer making the sale, Section 3006-1, General Code, grants no authority to a court of common pleas to fix a higher rate of compensation therefor.

COLUMBUS, OHIO, March 3, 1933.

HON. RAY B. WATERS, *Prosecuting Attorney, Akron Ohio.*

DEAR SIR:—I am in receipt of your request for opinion, which reads in part, as follows:

“The Sheriff of Summit County says that he is having considerable trouble in getting appraisers to appraise real estate in foreclosure actions under the present scale of paying appraisers one dollar each per parcel of real estate appraised, and has asked that this office request from your office, an opinion as to his authority or to the court’s authority in setting appraisers’ fees. General Code Section 11714 sets the fee at fifty cents per day. General Code Section 3006 names a fee of two dollars per day in certain kinds of appraisal, and Section 3006-1, gives the court authority in certain cases to set the fee of appraisers.

\* \* \* \* \*

Under this system the Sheriff informs me that sometimes the appraisers have to drive from ten to fifteen miles and spend time in finding the parcel of land in question, and that they do not receive enough to pay for their trouble.

\* \* \* \* \*

Your opinion on this matter will be of valuable assistance to us.”