

**Opinion No. 22-3624**

December 18, 1922

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** C. A. Bishop & Co., Santa Fe, New Mexico.

**Corporate and Personal Bonds By County Officers.**

**OPINION**

{\*189} In reply to your letter of the 12th instant asking if bonds furnished by county officials must be corporate surety bonds, or if personal sureties would be valid, I beg to advise you:

The bonds of all county officials are not in the same class as to sureties or the approving authority.

So far as I know there is no requirement that bonds of the county officials shall be written by corporate surety companies. Any class of bond that is sufficient in the mind of the approving authority is valid.

The county commissioners and Probate Judge must give a bond approved by the Judge of the District court. (Sec. 1193, Code 1915.) The County Clerk must give a bond both as clerk of the Probate Court and clerk of the Board of County Commissioners and Recorder, to be approved by the Judge of the District Court. (Sec. 1441, Code 1915, as amended by Ch. 10, Laws 1919).

The bond of the assessor must be written by a surety company and is approved by the Board of County Commissioners. (Sec. 235, Ch. 133, Laws 1921).

The bond of the county treasurer must be approved by the District Judge and the county commissioners.

The bond of the sheriff must be approved by the District Judge.

None of the bonds mentioned need be written by a surety company excepting that of assessor, as hereinabove stated.

In my opinion the approving officers approve not only as to form, but also as to sufficiency of the sureties.