

Opinion No. 22-3631

November 20, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. O. P. Easterwood, Attorney at Law, Clayton, New Mexico.

Appraisal Estate Not Required From Temporary Administrator.

OPINION

{*191} In reply to your letter of the 16th instant, asking if, in my opinion, an appraisal is required of an estate in which a temporary administrator has been appointed to conserve the property of the estate pending the probate of the will of the testator and the appointment {*192} of the executor named therein, I wish to advise:

In my opinion, there is no provision of law which requires the appointment of appraisers to appraise an estate in which a temporary or special administrator has been appointed, unless it may be necessary to sell or otherwise dispose of some of the property of the estate, in which event an appraisal would be had.

If the temporary administration is begun for the purpose only of caring for the property and for the purpose of conserving the assets of the estate, no appraisal should be required.

The laws regarding the appraisal of estates, as they appear in the present statutes, and as they were originally enacted, indicate that the appraisal was intended only after the inventory of the permanent executor or administrator was made and filed.

I understand that it has not been the practice anywhere in this state, to require appraisals of the property of estates in which special administrators have been appointed.