

OPINION
47-55

June 20, 1947 (OPINION)

COUNTIES

RE: Bond of Public Administrator Covers Only His Acts Under Such Office

Re: Public Administrator - Chapter 11-21, N.D.R.C. 1943

Your letter of June 18, addressed to the attorney general, has come to my desk for attention.

In answer to your question as to whether or not the public administrator's bond "stands as security for his acts" in certain guardianship cases, I will say that it is my opinion if he takes charge of the estates of minors or insane persons under the provisions, as he is authorized to do under the provisions of Section 11-2105, subdivisions 7 and 8, the bond would cover any misappropriation or defalcation of these estates. It appears to me that under the provisions of the said section, no special appointment is necessary. It also is my opinion that if the county court deemed it necessary to make an appointment in order to authorize him to act under this section, his bond would stand as security for his acts under such appointment. However, if the county court appoints him as guardian in any case which he does not take into his care by virtue of his office, and is appointed the same as any other person might be appointed, a special bond would have to be given the same as any other guardian would give bond.

In other words, his official bond covers only his acts when acting strictly within his statutory duties.

NELS G. JOHNSON

Attorney General