



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

March 20, 1975

Opinion No. 75-126

Mr. David K. Clark, Esq.
Wilson County Attorney
609 Monroe
Fredonia, Kansas 66736

RE: K.S.A. 1974 Supp. 58-3003

Dear Mr. Clark:

You have requested an opinion from this office relative to the exclusionary provision of K.S.A. 1974 Supp. 58-3003(e) as it applies to the Real Estate Brokers' License Act (K.S.A. 58-3001 et seq.). Specifically, you ask whether an auctioneer is excluded from the requirements of said Act where he sells land pursuant to a court order.

K.S.A. 58-3003(e), in pertinent part provides that the provisions of the Act are not applicable to "any receiver, trustee in bankruptcy, administrator or executor, while acting as such, or any other person performing an act set out in subsection (a) of section 1 [1974 Supp. 58-3002] of this Act, under order of any court." We find the language of this statute to be clear and unambiguous. Further, the import drawn from this language is equally clear: any person required by court order to sell real estate in this state is exempted from the provisions of the Kansas Real Estate Brokers' License Act. Accordingly, it is the opinion of this office that an actioneer, when he sells land pursuant to a court order, properly falls within the definition of "any other person performing an act set out in subsection (a) of section 1 of this act."

Yours very truly,

CURT T. SCHNEIDER
Attorney General

CTS:JPS:ksn