



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

September 24, 1976

ATTORNEY GENERAL OPINION NO. 76-298

Mr. Edwin H. Bideau III
Assistant County Attorney
Neosho County Courthouse
Chanute, Kansas 66720

Re: Counties--County Home--Sale

Synopsis: If the board of county commissioners deems it appropriate and in the interests of the county, it may determine that the sale of the county home shall be made pursuant to an installment sale agreement.

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Dear Mr. Bideau:

You advise that the Neosho Board of County Commissioners is seeking to complete the sale of Neosho Manor, which is the Neosho county home, pursuant to K.S.A. 19-2114 and K.S.A. 39-343. It appears, you advise, that the purchaser, who submitted the only bid received for the property, will default on his obligation. Investigation into sales prospects has persuaded the board that the best price for the property may be obtained only under an installment contract sale, due to purchasers' difficulties of obtaining financing for this kind of facility. The statutes pertaining to sale of such properties, K.S.A. 19-2114 and 39-343, are silent as to the kind of sale transactions which are permitted, and you request my opinion whether the Neosho County board of county commissioners may properly submit the property for sale on an installment contract basis.

In view of the statutory silence on the kinds of sale transactions which are permitted, in my judgment, it is within the general legislative and administrative authority of the board of county commissioners, in the exercise of its powers of self-government granted

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by K.S.A. 19-101a, to determine upon the terms of the sale which it deems suitable and appropriate and in the county's best interest. If the board deems an installment sale agreement to be in the public interest, it is within its authority to proceed accordingly, in my judgment, in the exercise of its general powers under K.S.A. 19-212 and its general legislative and administrative power under K.S.A. 19-101a(b).

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj