Court held in substance that a different procedure as to joint schools was prescribed by the statute and that in such a case as there presented the only action the Advisory Board could take was to make the appropriation, holding that under such circumstances an appropriation was mandatory.

When we consider the above holding in connection with the provisions of the Act now in question, it is clear that only the township trustees of the respective townships are required to act by resolution in order to effect such consolidation. When that is done, under the express provisions of said act, on the first of August next succeeding such action by the township trustees such consolidation becomes effected and under the law all of the property and assets of each school corporation is vested in the new consolidated school corporation which assumes all outstanding indebtedness. This does not require any action by the Advisory Board of a township to effect such consolidation.

I am therefore of the opinion it is not necessary for anyone other than the township trustees to join in a resolution for a consolidation of township schools under Section 2, Chapter 268 of the Acts of 1949.

OFFICIAL OPINION NO. 105

October 24, 1949.

Mr. Robert M. Reel
Executive Secretary
Indiana Real Estate Commission
1828 North Meridian Street
Indianapolis, Indiana

Dear Sir:

I have your request of October 5th for an official opinion with respect to the Indiana Real Estate Law being Chapter 44, Acts of 1949. Your request includes five questions, which are as follows:

"1.) When a building corporation purchases land, sub-divides it and builds houses, these houses to be sold only by officers of the corporation, in this event
will the corporation and the officers actively engaged in selling require a license.

"2). If a building corporation employes salesmen for a fee, commission or other consideration to sell houses built by the corporation, will this building corporation be considered the same as a real estate brokerage corporation.

"3). Will a building manager who rents and leases space, hires building personnel, etc., employed by the owner on a salaried basis be required to obtain a license.

"4). Will utility companies and regular employees buying right of ways or easements for these companies be considered under this Act.

"5). Will professional farm management corporations or companies managing farms for others for a fee or consideration be required to obtain license.”

I will answer each of the questions in the order named.

1). The answer to your first question is in the negative, because, under the terms of the Act, an owner may sell real estate without having a license as a real estate broker.

2). Building corporations, who employ salesmen for a fee or a commission to sell houses which they built, are not required to have a license, but of course, the salesmen who make the sale are required to have such licenses.

3). An employee of a corporation or individual, who acts as building manager and who leases space in the building does not come within the law requiring license and is not required to have salesmen license.

4). A regular employee of an utility, who buys right of way or easements for the company, incidental to his regular employment and without further compensation, is not required to have a license under the law. The utility company will, of course be exempt because it acts as owner.
The same reason applies to farm management corporations. The manager is not required to have a license to supervise and manage the farms of others. Trusting this answers all of your inquiries.

OFFICIAL OPINION NO. 106


Mr. Robert B. Houghman
Executive Secretary,
Indiana State Teachers' Retirement Fund
336 State House
Indianapolis 4, Indiana

Dear Mr. Houghman:

Your letter has been received and reads as follows:

"We wish to ask the following questions regarding Section 3 of Chapter 130 of the Acts of 1949. This section provided that retired members now receiving annuity may receive an increase in the portion of their annuity which is paid by the State. The act provides an appropriation for paying same.

1. Is the $497,000 appropriated in Section 3 of Chapter 130 of the Acts of 1949 intended to supercede the $300,000 appropriated yearly in Section 3 Chapter 353 of the Acts of 1947? Is the $497,000 intended to cover the cost of the increases granted to retired members in 1947 and 1949 or just 1949 alone?

2. If and when during any fiscal year the cost of adjustments paid to retired members under this act exceeds the $497,000, is the excess to be paid out of the funds of the Teachers' Retirement Fund or is the Retirement Fund to look to the State General Fund for additional contributions?

3. Is the appropriation of $497,000 intended to pay specific increases provided by law or is it intended as a grant from the State General Fund to assist in meeting the state's liability for all pensions without reference to any specific benefits?"