S T A T E O F T E N N E S S E E
OFFICE OF THE
ATTORNEY GENERAL
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October 17, 2000

Opinion No. 00-156

Title to real property conveyed for use as a site for a new Obion County Public Library

QUESTION

What is the proper manner in which to draw the title for real property that will be conveyed for use as a site for a new county public library?

OPINION

The title for such real property should be in the name of the county for the use and benefit of the public library.

ANALYSIS

Based upon the materials accompanying your opinion request, it is our understanding that the Obion County legislative body has created a county library board pursuant to Tenn. Code Ann. § 10-3-103, and that a sum of money has been pledged toward the purchase of real property intended to be the site of a new county public library. The individuals who have pledged this money wish the property to be titled in the name of "The Board of Trustees of the Obion County Library." The issue of the proper manner in which title to this real property should be drawn has therefore arisen.

Tenn. Code Ann. § 10-3-110 provides as follows:

> ***The title to all property acquired by a library board operating under the provisions of this chapter shall be taken in the name of the county for the use and benefit of the public library***, and the proceeds from all activities conducted by the library board or from any disposition of its assets shall be taken in the name of the county for the use and benefit of the public library. (Emphasis added).

Your opinion request suggests that there may be a conflict between the above-quoted statute and Tenn. Code Ann. § 10-3-104, which provides, in relevant part, that

> It [the library board] may receive donations, devises and bequests to be

> used by it directly for library purposes. It may hold and convey realty and personal property and negotiate leases for and on behalf of such library.

It is the opinion of this Office that these two statutes can be interpreted such that there is no conflict between them. In interpreting statutes, there is a duty to avoid a construction which places one statute in conflict with another. [1] Moreover, basic principles of statutory construction dictate that statutes which address the specific are given precedence over those that address the general.[2]

Tenn. Code Ann. § 10-3-110 specifically addresses the issue of the manner in which property acquired by a county library board should be titled. Its terms are therefore applicable to the issue at hand. Nor is this interpretation inconsistent with the powers and duties of a county library board as described in Tenn. Code Ann § 10-3-104. The fact that title to property controlled, held, or conveyed by a county library board is "in the name of the county for the use and benefit of the public library" does not impair the board's ability to perform these functions.

This interpretation is also supported by its agreement with the general statute regarding deeds and titles to property conveyed to a county. This statute, Tenn. Code Ann. § 5-7-102, provides that:

> All deeds, conveyances or grants which have been, or may be, made to any officer or person for the use or benefit of the county, vest in such county the title as fully as if made to such county by name, but such conveyances hereafter shall be made to the county.

The thrust of this statute appears to be twofold. First, deeds, conveyances, or grants that may be worded, *e.g.*, "to the Trustees of the Obion County Library Board," nevertheless vest title in Obion County rather than in the county library board or any members of that board. Second, the final clause of Tenn. Code Ann. § 5-7-102 admonishes that such conveyances "hereafter shall be made to the county." This clause thus parallels the terms of Tenn. Code Ann. § 10-3-110 regarding title to property acquired by a county library board.[3]

Accordingly, the real estate in question should be titled in the name of "Obion County for the use and benefit of the Obion County public library."

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[1] *See, e.g., Parkridge Hospital, Inc. v. Woods*, 561 S.W.2d 754, 755 (Tenn. 1978).

[2] *See, e.g., Drennon v. General Electric Company*, 897 S.W.2d 243, 247 (Tenn. 1994).

[3] We also note that both Tenn. Code Ann. §§ 10-3-110 and 5-7-102 employ the mandatory "shall" in directing the manner in which property conveyed to a county library board or a county official is to be titled. *See, e.g.,Holderedge v. City of Cleveland*, 218 Tenn 239, 249, 402 S.W.2d 709, 713 (1966).

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