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STATE OF ALABAMA

SEP 25 1989

89-00439

Honorable Donald H. Fox  
Judge of Probate  
Tallapoosa County Courthouse  
Dadeville, AL 36853

Legal Notices - Newspapers -  
Publications

The Probate Judge or County  
Commission of Tallapoosa County  
cannot designate a newspaper  
which has its principal  
editorial office in Elmore  
County as one in which legal  
notices for Tallapoosa County  
can be published.

Dear Judge Fox:

This opinion is issued in response to your request for an  
opinion from the Attorney General.

QUESTION

Can the Probate Judge or the County  
Commission of Tallapoosa County designate  
the Tallasse Tribune as a newspaper for  
legal notices for the East Tallasse area of  
Tallapoosa County?

FACTS AND ANALYSIS

The facts as stated in your request are as follows:

Tallapoosa County is unique in that we  
have three (3) population centers -  
Alexander City, Dadeville and East

Tallassee. However, only two (2) have newspaper editorial offices in the county. The East Tallassee area is served by the Tallassee Tribune. However, the editorial office is across the river in Elmore County.

The general circulation requirement would be better served by the Tallassee Tribune if that area's notices were published in their local paper as opposed to the Dadeville Record or the Alexander City Outlook.

Code of Alabama 1975, Section 6-8-60 sets out the requirements which must be met by a newspaper if it is to publish legal notices. This provision states:

"The party in interest or at whose instance the publication of notice is to be given by advertisement in a newspaper may designate the newspaper in which such advertisement shall be made. If the officer charged with the duty of making the advertisement disregards such designation and makes advertisement in some other paper, he must pay the cost thereof and shall not be entitled to reimbursement; but all publications required by any law, mortgage or other contract to be published in a newspaper must be published in any newspaper printed in the English language which has a general circulation in the county, regardless of where the paper is printed, if the principal editorial office of the newspaper is located within the county and which newspaper shall have been mailed under the second class mailing privilege of the United States postal service from the post office where it is published for at least 51 weeks a year." (Emphasis added.)

According to this provision, the requirements for a newspaper in which legal notices are printed are; (1) it must be printed in the English language, (2) it must have a general circulation in the county, (3) the principal editorial office must be within the county, (4) it must be mailed under the second class mailing privilege from the post office where it is published and (5) it must be published for at least 51 weeks a

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year. Quarterly Report of the Attorney General, Vol. 180,  
p. 18. Opinion to Honorable Michael G. Kendrick, City  
Attorney, City of Homewood, dated December 17, 1987.

The principal editorial office, that is the main, primary,  
chief office where the major editorial functions occur for the  
entire newspaper, must be located in the county. Gulf Coast  
Media, Inc. v. The Mobile Press Register, Inc., 470 So.2d 1211  
(Ala. 1985)

Thus, if as it appears, the principal editorial office of  
the Tallasse Tribune is not located in Tallapoosa County,  
legal notices of Tallapoosa County cannot be published in that  
newspaper.

#### CONCLUSION

The Probate Judge or County Commission of Tallapoosa County  
cannot designate a newspaper which has its principal editorial  
office in Elmore County as one in which legal notices for  
Tallapoosa County can be published.

I hope this sufficiently answers your question. If our  
office can be of further assistance, please do not hesitate to  
contact us.

Sincerely,

DON SIEGELMAN  
Attorney General  
By:



LYNDA K. OSWALD  
Assistant Attorney General

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