

**Opinion No. 48-5161**

July 16, 1948

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. Victor C. Breen Assistant District Attorney Ninth Judicial District Tucumcari, New Mexico

{\*156} We wish to acknowledge receipt of your inquiry of July 13, 1948 wherein an opinion of this office was requested as to the fee to be charged by the County Clerk for recording an assignment wherein a partial interest in a number of oil {\*157} and gas leases is conveyed by a single instrument.

Section 13-110 of the New Mexico 1941 Compilation provides in part as follows:

"Recording fees. -- County Clerks shall receive for recording the following fees:

\* \* \* \*

Standard form assignment of oil and gas mining leases, \$ 1.25. Non-standard form assignment of oil and gas mining leases, \$ 1.50.

\* \* \* \*

And for each instrument containing more than 200 words in the description of the property contained in such instrument, an additional charge shall be made of 10 [cents] for each additional 100 words. \* \* \* In all cases where standard forms are fixed and non-standard forms of instruments are recorded, for which a flat fee is fixed, and such instruments exceed in length the standard form prescribed, a charge of 10 [cents] shall be made for each 100 words in excess of the standard form prescribed."

We believe the statute is selfexplanatory as to the fee to be charged and it is our opinion that the clerk should treat the assignment as a single instrument and determine the fee on that basis.

Trusting the aforementioned satisfies your inquiry, I remain

By ROBERT V. WOLLARD,

Asst. Atty. General