

**Opinion No. 56-6385**

February 9, 1956

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. Frank Andrews, Attorney for the Department of Public Welfare, P. O. Box 1391, Santa Fe, New Mexico

We have your letter of February 3 in which you request an opinion from this office as to the proper procedure that county clerks should follow for the filing and indexing of the liens under the provisions of Chapter 5, Laws of 1955 Special Session.

Section 4 of Chapter 5, 1955 Special Session, reads as follows:

". . . County Clerks shall receive, index and file certificates of granting of public assistance and releases of the liens created by the certificate, free of charge."

We are of the opinion that the Legislature intended that the "Certificates of Granting of Public Assistance" were to be treated by the county clerks in the same manner that chattel mortgages are handled in the county clerk's office. County clerks should, therefore, provide themselves with an index book so that each certificate can be properly indexed with reference to name of person against whom a lien is claimed. The certificate granting the assistance should then be numbered and filed in the order of receiving the same in the same manner that chattel mortgages are filed. Of course, before indexing and filing, proper entry should also be made in the reception book of the county clerk.

Releases should be treated in the same manner as the certificates granting public assistance.

Trusting we have answered your question, we remain

By: Paul L. Billhymer

Assistant Attorney General