

Opinion No. 17-2024

July 21, 1917

BY: HARRY L. PATTON, Attorney General

TO: Hon. W. C. Zerwer, Clovis, New Mexico.

Conditional Sales Must Be Acknowledged Before Recording.

(See Opinion 1989)

OPINION

Since writing you a letter on May 10th, in which I construed Section 2, Chapter 71, Laws of 1915, relating to the filing of chattel mortgages, my attention has been called to Chapter 74, Laws of 1917. The last named act amends the Act of 1915 to the extent that in enumerating instruments of writing having the effect of a mortgage or lien upon personal property, it adds to the old act, in addition to chattel mortgages, the following character of instruments: "conditional sales, leases, purchase-leases," and "sale-leases." This act did not become effective until June 9th, which was something like a month after the date of my letter. This act modifies my former opinion to the extent that these additional instruments are entitled to be filed. However, my opinion is not modified as to the requirement that the same shall be acknowledged in the same manner as conveyances affecting real estate.

I still state that I approve of your action in refusing to file the conditional sale contract submitted to you by the Underwood Typewriter Company, for the reasons that the same was not acknowledged in the same manner as conveyances affecting real estate.