

**Opinion No. 19-2417**

October 18, 1919

**BY:** N. D. MEYER, Assistant Attorney General

**TO:** Mr. Frank G. Casados, County Clerk, Clayton, New Mexico.

Fees of District Clerks.

**OPINION**

In reply to your letter of recent date, we beg to advise that there is no charge to be made for the filing of a confession by the defendant in civil cases.

This instrument is analogous to the filing of an answer. The answer by a defendant may either deny or admit the allegations of the complaint. A confession is an admission and for filing this instrument there would be no reason for considering it different from an answer and charging a fee.

You appear to misapprehend the purport of this instrument, as you call it a judgment. It is not a judgment, for a judgment is an instrument drawn by the court based upon the pleadings, whatever they may be, and signed by himself. In the case which you speak of the charge would be \$ 2.50, provided it does not exceed twenty folios, in which case an additional charge of 15 cents per folio shall be made, as provided for in the fifth paragraph of section 1 of Chapter 149 of the Session Laws of 1919.

The case which you mention is not a default case, for the defendant has appeared; therefore, it would come under such cases as where the case is at issue before the court without trial by jury.

Trusting the foregoing answers your questions satisfactorily, I beg to remain,