

Opinion No. 21-3009

June 13, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. Hugh B. Woodward, District Attorney, Clayton, New Mexico.

Clerk's Fees For Filing Lis Pendens.

OPINION

{*67} In reply to your letter of the 8th instant, asking what fee should be charged by the county clerk for the filing and recording of a **lis pendens**, I would advise you as follows:

Section 4261, Code 1915 provides for the filing and recording of a **lis pendens** in certain instances.

Section 4781, Code 1915, provides that when any land title, or other document, shall be delivered to the county clerk to be recorded, he shall perform certain duties in connection therewith, and section 4783 provides, among other things, that the clerk shall receive 10 cents for every hundred words recorded by him in accordance with the preceding section, and shall also receive for certificate and seal to documents recorded, one dollar.

I believe that the provisions of the latter named section govern the fee to be charged by county clerks for filing and recording a **lis pendens**. The fee should be 10 cents per hundred words and one dollar for the certificate and seal attached to the instrument.

I am returning to you herewith the copy of the **lis pendens** submitted with your letter.