

Opinion No. 24-3784

September 10, 1924

BY: JOHN W. ARMSTRONG, Assistant Attorney General

TO: Requested by: Hon. R. H. Carter, State Comptroller, Santa Fe, New Mexico.

The Filing and Recording of Conditional Sales Contracts are Not Affected by the Migratory Chattel Law.

OPINION

{*169} Replying to your inquiry as to whether or not Conditional Sales Contracts, strictly, are subject to the fees chargeable under The Migratory Chattels Act, we reply:

The filing or recording of "Conditional Sales" contracts is to be governed by Chap. 8 S. L. 1923. The fee chargeable is governed by Chap. 36, S. L. 1917.

Chap. 124 S. L. 1923 applies only to "Mortgages" and not to "Conditional Sales." In the latter, the title to the property is retained in the "former owner, possessor or grantor."

The fee of \$ 1.00 for filing "Conditional Sales Contracts" is unauthorized.