

Opinion No. 25-3792

January 23, 1925

BY: JAMES N. BUJAC, Assistant Attorney General

TO: Requested January 23, 1925, by Honorable R. H. Carter, State Comptroller, Santa Fe, N.M.

No fee is to be charged for releasing a mortgage covering migratory chattels which said Mortgage was filed prior to the taking effect of the Migratory Chattel Mortgage Law of 1923.

OPINION

With reference to your inquiry of even date regarding the matter as to whether or not a fee of seventy five cents should be charged by County Clerks for filing a release or satisfaction of a mortgage covering migratory chattels where the said mortgage was filed prior to the taking effect of the Migratory Chattel Mortgage Law of 1923 (Chapter 124 Session Laws 1923).

In so far as the Mortgage was filed in the office of the County Clerk prior to the taking effect of said law, the Mortgage was not certified to by the Secretary of State and therefore, the release or satisfaction of such mortgage, in our opinion, would not have to be so certified and accordingly the fee provided for such certification should not be charged or collected.