

## Opinion No. 25-3837

June 16, 1925

**BY:** JOHN W. ARMSTRONG, Attorney General

**TO:** Requested by: Hon. R. H. Carter, State Comptroller, Santa Fe, New Mexico, on June 16, 1925.

Fees to be charged for releases of chattel mortgages filed prior to June 12, 1925, are not governed by Sec. 9, Chap. 25, S. L. 1925.

### OPINION

Your inquiry based upon the request of the Hon. B. L. Francis, County Clerk of Quay County, is whether or not the provisions of § 9, Chap. 25, S. L. 1925, shall govern the fees to be charged by County Clerks for filing and entering releases to chattel mortgages filed prior to the going into effect of said Act of 1925.

Said § 9, in part, reads as follows:

"\* \* \* Such clerk shall make no charge for the filing and entry of satisfaction of a mortgage. \* \* \*"

If this provision were unqualified, any release of mortgage filed subsequent to June 12, 1925, whether the mortgage were filed prior to that date or afterward, there would be no charges for such filing. But § 14 of said Chap. 25, provides for the repeal of certain sections and chapters of former laws relating to chattel mortgages and that "all Acts and parts of Acts in conflict with this Act are hereby repealed, except in so far as the same are applicable to chattel mortgages executed prior to the date when this Act becomes effective." In view of this latter Section, we are of the opinion that the Act of 1925 is not applicable to chattel mortgages executed prior to June 12, 1925, and that the regular fees for all such releases should be charged for at the regular rate. In some instances there might be other reasons why such Act would be ineffective to abolish such fees but it is not necessary to discuss further reasons in view of the foregoing.