

Opinion No. [29-11]

June 19, 1929

BY: M. A. OTERO, JR., Attorney General

TO: Mr. Fred Sherman, Deming, New Mexico.

CHATTEL MORTGAGES -- Not to be filed with the Secretary of State.

OPINION

In reply to your letter of the 17th inst. will state that the following is an excerpt taken from my opinion relative to the filing of certificates of chattel mortgages in the office of the Secretary of State:

"In reply thereto will state that the new law is in effect from June 7. The validity of the mortgage itself is not in any way affected by the recording. From the date the new law went into effect the lack of being filed in the office of the Secretary of State is immaterial, and the filing after it so went into effect could not relate back and be any protection against any liens or attachments made before that time when the mortgage was not yet recorded so it would be useless to file now in any event. It is not now the duty of the Secretary of State to so file so she is correct in refusing to receive such mortgage."

Trusting that this is the information that you desired, I am