

**Opinion No. 34-796**

August 7, 1934

**BY:** E. K. NEUMANN, Attorney General

**TO:** Mr. D. P. Greiner, County Clerk, Roswell, New Mexico.

{\*150} This is in reply to your letter of August 3, 1934. You state that Section 21-103 of the 1929 Code, provides that chattel mortgages which have been filed with the County Clerk shall be retained in the files of his office. You wish to know if it would be proper for you to return these instruments to the mortgagee when they have been properly released.

In my opinion it would be perfectly proper to do so. While the statute says that they shall be retained, I do not think it means that they must be retained against the will of the owner and holder of the mortgage. Especially after they have been released it could not serve any good purpose to keep them in the files, and I believe that they should be returned to the mortgagee upon his request.

By: QUINCY D. ADAMS,

Asst. Attorney General