

Opinion No. 37-1710

July 10, 1937

BY: FRANK H PATTON, Attorney General

TO: Mr. Claude Gamble County Clerk Clovis, New Mexico

{*146} This will supplement my letter to you a few days ago concerning information desired by county officers.

You have requested advice as to the correct filing and recording fees on the following instruments, and we have set forth the name of the instrument followed by the fee which we believe to be correct, although there is a great deal of confusion existing in a number of cases.

You will note, however, that I have in many instances shown the fee to be 10c per 100 words. This is for the reason that I have been unable to find any other specified fee, and I believe the clerks will be safe in following this procedure.

Deed ___ \$ 1.50 plus (Sec. 118-106, '29 Compilation).

Real Estate Mortgage ___ \$ 1.50 plus (Sec. 118-106, '29 Compilation).

Assignment of Chattel Mort. ___ 10c (Sec. 5, Ch. 54, L. '35).

Certificate of Chattel Mort. ___ 25c or 75c as prescribed by Sec. 5, Ch. 64, L. '35.

Satisfaction of Real Estate Mort. ___ 10c per 100 words.

Assignment of Real Estate Mort. ___ 10c per 100 words.

Patents ___ 10c per 100 words.

Agreement of Ext. of Mtg. ___ 10c per 100 words.

Transcript of Judgment ___ \$ 1.00 (Sec. 34-343, '29 Comp.).

Lis Pendens ___ 10c per 100 words.

Certificate and Seal ___ \$ 1.00 (Sec. 118-105, '29 Comp.). 50c (Sec. 34-343, '29 Comp.).

Notice of Execution ___ 10c per 100 words.

Assignment of {*147} Judgment ___ 10c per 100 words.

Satisfaction of Judgment ___ 10c per 100 words.

Release of Judgment ___ 10c per 100 words.

M. D. License ___ 10c per 100 words.

Nurse Certificate ___ \$ 1.00 (Sec. 95-111, '29 Comp.).

Notice of Levy ___ 10c per 100 words.

Abstractor's Bond 10c per 100 words.

Abstractor's Bond Cert. of Cont. ___ 10c per 100 words.

Notary Public Bond & Oath ___ 10c per 100 words.

Notary Commission ___ \$ 1.00 (Sec. 94-105, '29 Comp.).

Sundry Probate ___ 10c per 100 words.

Power of Attorney ___ 10c per 100 words

Agreement ___ 10c per 100 words.

Liens ___ 10c per 100 words.

Articles of Incorporation ___ 10c per 100 words.

Oil & Gas Leases ___ 10c per 100 words.

Contracts ___ 10c per 100 words.

Tax Sale Certificate ___ 10c per 100 words.

Cert. of Redemption ___ 10c per 100 words.

Assignment of Tax Sale Cert. ___ 10c per 100 words.

Bill of Sale ___ 10c per 100 words.

Marriage License ___ \$ 1.00 (Sec. 87-119, '29 Comp.).

Acknowledgments ___ 25c (I imagine you intend to ask how much to charge for an acknowledgment).

Affidavits ___ 10c per 100 words.

You ask how you are to determine recording fees on miscellaneous instruments recorded in general county records.

It is my belief, as I have set forth above, that you will be safe in charging at the rate of 10c per 100 words, as the language used in Section 118-105 of the 1929 Compilation apparently implies. This gives authority to charge this amount in case not otherwise provided for by specific law. This would be true with reference to amortization mortgages and deeds of trust.

You ask what constitutes an "ordinary form". It is my belief that this means the usual and commonly used short form of deed and mortgage.

You inquire if there is to be an additional charge made for real estate mortgages where there is more than one note attached to same.

Apparently the fee should be \$ 1.50 plus, as provided by Section 118-106, 1929 Compilation.

Your final inquiry is whether there should be an additional charge for deeds where there are several acknowledgments and thereby requiring additional space for recording.

I find no provision in the statute for such additional charge.