

Opinion No. 39-3317

October 24, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. Garland Jacobs, County Clerk, Union County, Clayton, New Mexico.

{*118} I am in receipt of your letter of October 21st wherein you state that some years ago the town of Clayton filed and recorded liens against most of the property within the town limits for paving, lighting, sewers, etc., that the paving, lighting and sewer lines were written up and recorded as three separate instruments.

You wish to know if the town of Clayton, when issuing releases on this property, can issue a release which covers all the lots in one lot irrespective of ownership, or whether you can legally issue a release which includes the release of liens on lots owned by several different persons.

You also inquire whether or not the town of Clayton may issue releases once a week or once a month, which will be one {*119} instrument but will release several lots that belong to different people and whether this is entitled to be recorded and the lien released with the payment of only 50c.

I am of the opinion that the Town of Clayton can issue a release which will release several lots even though they may belong to different individuals, if the original liens filed were in the same instrument. In receiving said instrument you shall only make the regular charge of 50c.

Trusting that this sufficiently answers your question, I am,