

Opinion No. 43-4296

May 21, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. C. R. Sebastian, State Comptroller, Santa Fe, New Mexico

We have your letter of May 19, 1943, in which you request an official opinion concerning whether or not it is the duty of a District Court Clerk upon request to prepare a certificate as to the title on real property as to liens and/or judgments, which may appear of record against a certain tract of land.

I have examined our statutes and have been unable to find any provision of our law making it the duty or authorizing the Clerks of the District Courts to prepare such certificates. However, I do point out that under Section 16-326 of the New Mexico 1941 Compilation the Judges of the District Courts are entitled and empowered to prescribe duties of the Clerks of the District Courts in addition to those appearing in the statutes.

I further point out that possibly Section 13-112 of the New Mexico 1941 Compilation, which provides as follows:

"County clerks shall be entitled to receive as fees for searching their records and certifying the result, five cents (5c) for each name searched against for deeds, and the same for mortgages, and twenty-five cents (25c) for a search for judgments or for mechanic's lien."

May have led to some confusion as to this matter. However, it is noted that this Section only refers to County Clerks.

Hoping that the above fully answers your questions, I remain

By HARRY L. BIGBEE,

Asst. Atty. General