

Opinion No. 46-4914

June 26, 1946

BY: C. C. McCULLOH, Attorney General

TO: Mrs. Cecilia Tafoya Cleveland Secretary of State Santa Fe, New Mexico

{*241} Replying to your request of June 25, 1946 for an opinion on the following question: Are there any provisions in the law whereby the Secretary of State is authorized to extend the life of a Surety Bond by continuation certificate or otherwise?

The New Mexico statutes relating to Surety Bonds do not provide for, or authorize, continuation certificates to extend the term of surety bonds.

While, in most cases, the continuation certificate or extension might not affect the validity of the bond, the statutes require the recording and approval of each bond. The officer, or officers, upon whom the duty of approving is placed, is not charged with the additional burden of comparing the substance of a bond with the extension instrument filed at a later date. A transcript of public records of this nature should not require an abstract to include separate and numerous recordings relating to the same instrument.

By THOS. C. McCARTY,

Asst. Atty. General