

In Re: MARGINAL RELEASES IN RECORDER'S OFFICE. ✓

3081 Revised 31

May 17, 1933. ✓

Mrs. Ella Jones
Circuit Clerk and Recorder
Dent County
Salem, Missouri



Dear Madam:

Your letter of May 5th requesting an opinion from this office is in words and figures as follows:

"I am writing you in regard to Sec. 3081 Revised Statutes of 1929 (1919), where notes must accompany partial Release Deeds or affidavits.

"I have a Deed of Release from the Highway Department made from the Federal Land Bank of St. Louis, which is a partial release for the Highway and they say the recorders in this division has been making or Recording the Deeds of Release without the note being presented.

"If I can do this in Highway Right of way Deeds without the notes being presented I would like to know."

Sec. 3081 Revised Statutes of Missouri, 1929, referred to in your letter has been amended by the laws of 1931 page 174, and reads as follows:

"Part of property may be released, how.--
In case any person desires to release any part of the property described in any deed of trust or mortgage by marginal record or deed of release, he shall be permitted

to do so by the recorder on presentation to the recorder of the notes or other obligations evidencing the principal of the debt secured thereby, or accounting for them by affidavits or otherwise as now or hereafter provided by law in the case of full release, and the recorder shall note the fact of such partial release on the margin of the record of such deed of trust or, if such release is made by deed of release, and of the presentation of such notes or other obligations or accounting therefor, on such notes or obligations in substantially the following form:

'See partial release dated
Recorder.'

It is the opinion of this office, you may record this partial deed of release in Highway Right of Way Deeds without the notes being presented provided that you note the fact of such partial release on the margin of the record of such Deed of Trust that said notes were not presented to you but were accounted for as being in the possession of a certain named holder naming him on the record. Said marginal notation should also state as above " See partial release dated.....
Recorder."

Respectfully submitted,

WM. ORR SAWYERS
 Assistant Attorney General

APPROVED:

ROY McKITTRICK
 Attorney General