

RECORDER OF DEEDS:

Not entitled to any fee for recording figures in a deed; entitled to ten cents for every hundred words for recording acknowledgments.

5-15  
May 11, 1935.



Hon. Duffy J. Hudnall  
Clerk of the Circuit Court  
Scotland County  
Memphis, Missouri

Dear Sir:

This will acknowledge receipt of your letter of recent date requesting an opinion from this office which reads as follows:

"Would like to know whether to count figures in counting the number of words when charging for copying deeds or certified copies. Does each figure count as a word?

"What should be charged for extra acknowledgments attached to a deed when it is recorded. Some of our attorneys say extra acknowledgments are 25¢ each and some say it is 10¢ per hundred words."

Section 11804, R. S. Mo. 1929, provides what fees the recorder is allowed for his service and reads as follows:

"Recorders shall be allowed fees for their services as follows:

" For recording every deed of (or) instrument, for every hundred words..... \$.10

In addition to the above fee for recording deeds, they shall be allowed for recording every such instrument relating to real estate, a fee of ten cents, as a compensation for making and preserving direct

and inverted indexes to every book containing deeds affecting real estate.

For every certificate and seal..... .50

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Section 11547, R. S. Mo. 1929, provides the manner of recording deeds and makes it the duty of the Recorder to record the acknowledgments, written on or under the same. Said section is in part as follows:

"The recorder shall record, without delay, every deed, mortgage, conveyance, deed of trust, bond, commission or other writing delivered to him for record, with the acknowledgment, \*\*\*\* written on or under the same, \*\*\*\*, in the order of time when the same shall have been delivered for record, by writing them word for word, in a fair hand, \*\*\*\*."

Section 3101, R. S. Mo. 1929, provides that a Recorder is entitled to ten cents for every hundred words for furnishing a certified copy of a chattel mortgage filed in his office. Said section reads:

"Every such recorder of deeds shall be entitled to receive for certified copies of such instruments so filed as aforesaid, when requested to furnish the same, for every one hundred words, ten cents; and in every case where a copy of the instrument shall have been filed at the request of the mortgagee or assigns holding the original, such recorder shall certify on the back of such original that a true copy thereof has been filed, giving date, for which service such recorder shall be entitled to a fee of ten cents."

I.

If we understand your first question clearly, you desire to know what fees you are entitled to for recording deeds and for furnishing certified copies of said deeds.

Under the provisions of Section 11804, supra, a recorder of deeds is allowed for recording every deed or instrument, for every hundred words, ten cents. It will be noted that the statute does not specifically allow any fee for recording figures. Many statutes allow a fee for copying both words and figures. For instance, Section 3248, R. S. Mo. 1929, allows a recorder for transcribing the records, when ordered by the county court to do so, to such compensation as may be allowed by the county court not to exceed eight cents for every hundred words and figures. Section 11563, R. S. Mo. 1929, allows a recorder ten cents for every hundred words and figures for copying a new abstract and index of the record, when ordered by the court to do so. Since the Legislature allows a fee for copying figures as well as words under Sections 3248 and 11563, supra, but fails to allow any fee for recording figures under Section 11804, it is evident that they did not intend that a recorder should receive a fee for recording figures.

The right of a public officer to fees is derived from the statutes. He is entitled to no fees for services unless the statute gives it and when the statute fails to provide a fee for services, he is required to perform as a public officer, he has no claim on the State for compensation therefor. Gammon v. Lafayette County, 76 Mo. 675; Williams v. Chariton County, 85 Mo. 645.

Under the provisions of Section 3101, supra, a recorder is allowed a fee of ten cents for every hundred words for furnishing a certified copy of a chattel mortgage filed in his office.

Under the provisions of Section 11804, supra, a recorder is entitled to a fee of fifty cents for every certificate and seal. We find no statute requiring him to copy a deed that is to be certified by him or allow him any fee for doing so. He, of course, is entitled to a fee of fifty cents for certifying and affixing his seal to said deed.

In view of the above, it is the opinion of this department that a recorder of deeds is entitled, for recording every deed or instrument, to a fee of ten cents for every hundred words but is not entitled to any fee for recording figures; that a recorder is entitled to fifty cents for certifying to and affixing his seal to any instrument, but that the statute does not make it his duty to copy the instrument to be certified or allow him any fee therefor except in the case of a certified copy of a chattel mortgage for which he is entitled to a fee of ten cents for every hundred words.

II.

Section 11547, R. S. Mo. 1929, makes it the duty of the recorder to record without delay every deed, mortgage, conveyance, deed of trust, bond, commission, or other writing delivered to him for recording with the acknowledgments written on or under the same.

Section 11804, R. S. Mo. 1929, allows him, as compensation for recording every deed, a fee of ten cents for every hundred words although the statute makes it his duty to record the acknowledgment as well as the deed, no extra compensation is allowed therefor, except for the additional words contained in the acknowledgments.

We are therefore of the opinion that a recorder is only entitled to ten cents for every hundred words for recording all acknowledgments contained in any deed.

Yours very truly,

J. E. TAYLOR  
Assistant Attorney-General.

APPROVED:

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ROY MCKITTRICK  
Attorney-General.

JET/afj