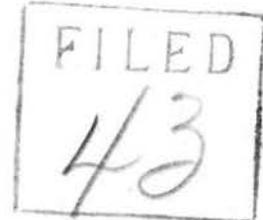


RECORDER: Recorder's fee for recording real estate deeds.

February 20, 1936.

2-75



Mr. Duffey J. Hudnall
Clerk of the Circuit Court
and Ex-Officio Recorder
Memphis, Missouri

Dear Sir:

We acknowledge your request for an opinion dated January 30, 1936, which reads as follows:

"Will you please advise me as to the correct way to index the enclosed example of a "Sheriff's Deed in Partition," and the charge for indexing it.

"Under Section 11804 Revised Statutes of Missouri 1929, a recorder is allowed a fee of 10¢ for making and preserving direct and inverted indexes to every book containing deeds affecting real estate.

"If there are several grantors or grantees named in a deed or if the land concerned in the deed lies in several sections, the deed must be indexed several times. In the recorder entitled to 10¢ for each of the indexes that must be made because of the aforesaid circumstances or does a fee of 10¢ cover charges for all of the indexes?"

Section 11804 R. S. Mo. 1929, reads in part as follows:

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

"For recording every deed of 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.
* * * *"

CONCLUSION.

The fact that there are several grantors or grantees in a deed for real estate, and the fact that land described in a deed for real estate lies in several sections, necessitating the making of several index entries in several books by the Recorder, does not add to the statutory fee for such service.

It is fundamental that a fee, to be allowable to a public officer, must be provided for in the statutes.

The Legislature in Section 11804, supra, has provided a fee in addition to the recording fee of ten cents (10¢) for each one hundred (100) words of a deed, where the deed relates to real estate. Thus the Recorder can legally charge an additional ten cents (10¢) for recording such an instrument.

This means that, when the recorder is recording a real estate deed, he legally charges ten cents (10¢) for each one hundred (100) words, and, after arriving at the total, he adds ten cents (10¢) to the total; his fee is then computed by the grand total figure. The statutes allow the recorder to add ten cents (10¢) for each "instrument relating to real estate". The statute does not even hint that ten cents (10¢) can be added for each time a name or a section of land is indexed when recording a real estate deed.

Respectfully submitted

APPROVED:

WM. ORR SAWYERS
Assistant Attorney General.

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General.
WOS:H