

RECORDER'S FEES: Circuit Clerk and Ex-officio Recorder shall pay excess fees quarterly to county treasurer.

January 9, 1936.



Miss Stella Hall Thompson,
Circuit Clerk and Ex-officio Recorder,
Kingston, Missouri.

Dear Miss Thompson:

This will acknowledge receipt of your inquiry which is as follows:

"Can you give me a ruling on what disposition to make with fees from Recorder's Office in counties where Circuit Clerks also serve as Recorder? I find no statute covering this and we are certainly not under bond to turn them over to the County General Revenue Fund.

"I will appreciate it if I can get this before December 31st, as that is the date on which I make annual settlement with the County Court."

In 1933 the Legislature enacted a law relating to salaries and fees of Circuit Clerks, found in Laws of Missouri, 1933, page 369. Section 11786 thereof, among other things, provides:

"Provided, that in any county wherein the clerk of the Circuit Court is ex-officio recorder of deeds, said offices shall be considered as one for the purpose of this section."

Section 11814 of said laws, page 372, among other things, provides:

"And quarterly such clerk shall pay into the county treasury the amount of any

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fees collected in excess of the sums permitted to be retained for services and pay of deputies and assistants, and every clerk shall be liable on his official bond for all fees collected and not accounted for by him as provided by law. It shall be the duty of the county court to examine such quarterly report and to require of the prosecuting attorney to enforce payment of all fees therein shown to be unpaid in any manner now or hereafter provided by law * * *."

Section 11786 of said laws, page 369, specifies the amount of salary that the Clerk may receive in the respective counties.

Your inquiry does not state the population of your county, and as you make no inquiry as to the amount of your salary, we do not embody that phase in this opinion.

CONCLUSION

It is our opinion that the fees collected by the Circuit Clerk as Ex-officio Recorder which, when added to his fees collected as Circuit Clerk, are in excess of the amount of salary pertaining to that office as defined by Section 11786, supra, should be paid quarterly by such Clerk into the county treasury of your county.

Yours very truly,

DRAKE WATSON,
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney General.

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