

RECORDER INDEXING CONTRACTS: The party extending a loan agreement should be listed as grantor in the index of deeds.

April 5, 1939

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FILED
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Mr. D. J. Hudnall
Recorder of Deeds
Scotland County
Memphis, Missouri

Dear Sir:

This is in reply to yours of recent date wherein you request an opinion from this department as to the manner of indexing an extension agreement. Your inquiry goes directly to the question of who is the grantor and who is the grantee in such agreement. It appears from the agreement which you have set out in your inquiry that the Connecticut Mutual Life Insurance Company, on a Missouri Extension Agreement form, has contracted to extend the time for the payment of a certain obligation which is secured by a mortgage of record in your county. We do not find any Missouri authority on the question you submitted, but in volume 28 C. J., at page 822, we find the word "grantor" defined as "a person who gives, bestows or concedes a thing, one who makes a grant, * * *". In this extension agreement form which you have submitted, it appears that the Connecticut Mutual Life Insurance Company is the party who is agreeing that the time for the payment of the obligation described in the agreement may be extended. In other words, the company is the one who is granting an extension of time, that being the case, it would be considered the grantor in this instrument.

CONCLUSION

From the foregoing, it is the opinion of

Mr. D. J. Hudnall

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this department that the extension agreement which you have described in your request should be indexed as follows:

"The Connecticut Mutual Life Insurance Company, grantor, and John Doe, grantee."

Respectfully submitted,

TYRE W. BURTON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

TWB:RW