

RECORDER ) Plats may be recorded by photostating in first-class  
 ) counties.

December 12, 1950

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Honorable Stanley Wallach  
Prosecuting Attorney  
St. Louis County  
Clayton, Missouri

Dear Sir:

We have received your request for an opinion of this department, which request is as follows:

"In the Recorder of Deeds Office in this County it is proposed that it would be economical and timesaving to photostat recorded plats. We have been requested to secure an opinion from you as to the legality of such photostating of records, or if there is any prohibition in the law against same."

Section 12807, R. S. Missouri, 1939, provides:

"It shall also be the duty of the recorder to record all plats delivered to him for record, in a book to be called a plat book, and, when necessary to preserve uniformity, he shall reduce the scale of the original plat, and on each copy so made he shall indorse the following certificate under his hand: 'This plat is truly copied from the original. (Signed) \_\_\_\_\_, recorder.'

Copies of the record of plats from said plat book, properly certified under the hand and official seal of the recorder, shall be evidence in all courts of justice."

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Section 13166, Laws of 1945, page 1426, provides:

"In all cities in this state which now have or which may hereafter have or contain 600,000 inhabitants or more and in all counties in class one, 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, proofs and certificates written on or under the same, by writing them, word for word, in a fair hand, or by typewriting them or by photostating them, noting at the foot of such record all interlineations and erasures, and the words visibly written on erasures, and noting, at the foot of the record, the day and times of the day, month and year when the instrument so recorded was delivered to him, or brought to his office for record; and the same shall be considered as recorded from the time it was so delivered. Except when otherwise provided by law it shall be the duty of the recorder to deliver to the person holding his receipt therefor every instrument so recorded within sixty days from the date upon which it was presented for recording."

Section 13188, R. S. Missouri, 1939, provides:

"Wherever the statutes require deeds, mortgages, conveyances, deeds of trust, bonds, covenants, documents, marriage contracts, certificates of marriage, commissions, official bonds, statements, records, plats, surveys, schedules, papers, patents, or other instruments of writing to be recorded, the making of photographic copies of such deeds or other instruments of writing shall be deemed recording within the meaning of this chapter. Such photographic

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copies shall be bound, paged and indexed wherever it is so provided for deeds or other instruments recorded by hand, and such photographic copies when bound together shall be deemed record books within the meaning of this chapter."

We feel that under the above-quoted statutory provisions plats may be recorded in your county by photostating. Section 13166, which is applicable to first-class counties, the class to which St. Louis County belongs, provides for the photostating of certain specified instruments but does not specifically refer to plats. Section 13188, providing for the recording by the making of photographic copies, expressly includes plats. This section is applicable generally to all counties. It was originally enacted in Laws of 1917, page 441. Section 13166 was originally found in Laws of 1933 at page 362. We do not feel that the Legislature, by omitting the word "plat" from Section 13166 as originally enacted, intended to exclude such instruments from the class of instruments which might be photostated in certain of the larger counties. It will be noted that Section 13166 refers to deed, mortgage, etc., "or other writing." Section 13188 lists plats specifically and in the second reference to the copying of such instruments uses the language, "such deeds or other instruments of writing." Thus, in this section the Legislature included plats in the term "other instruments of writing," and we think that the "other writing" referred to in Section 13166 would likewise include plats.

#### CONCLUSION

Therefore, it is the opinion of this department that in St. Louis County, a county of the first class, plats may be recorded by photostating.

Respectfully submitted,

APPROVED:

ROBERT R. WELBORN  
Assistant Attorney General

  
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J. E. TAYLOR  
Attorney General

RRW/feh