

MILITARY PERSONNEL  
RECORDERS OF DEEDS:

Holder of discharge from armed forces of  
United States may have the same recorded  
in any county of this state.

April 18, 1955



Honorable Roy L. Carver  
State Service Officer  
State Office Building  
P. O. Drawer 147  
Jefferson City, Missouri

Dear Sir:

Reference is made to your request for an official opinion  
of this department reading as follows:

"On several occasions it has been called  
to the attention of this Division that  
veterans of War time Service have re-  
quested their discharges be recorded by  
the Recorder of Deeds of certain coun-  
ties, and some of the Recorders have re-  
fused to record the discharge in their  
county because of the fact the veteran  
was not a resident of that County.  
Several of these cases are where the  
veteran lives very close to the county  
line and usually does a lot of his busi-  
ness in the county where he has his dis-  
charge recorded.

"Our question is: Can the Recorder of  
Deeds of a county refuse to record a dis-  
charge of a veteran when he is a resident  
of another county in the State of Missouri."

Your question is answered by the provisions of Section  
59.480, RSMo 1949, which section reads as follows:

"Any person who is the holder of a dis-  
charge from the armed forces of the  
United States may demand that said dis-  
charge be recorded by the recorder of

Honorable Roy L. Carver

deeds of any county in this state, including the recorder of deeds of the city of St. Louis, and it shall be the duty of said recorder of deeds to record said discharge without any fee or compensation therefor."

The language of the statute is clear in requiring recorders of deeds to accept for recordation discharges proffered by the holders thereof and that without regard to the county in Missouri wherein such holder may reside. In the absence of ambiguity, no occasion for construction of a statute arises and the plain wording thereof is to be followed. The rule with respect thereto is stated in the following language found in *Steggall v. Morris*, 363 Mo. 1224, 258 S. W. (2d) 577, l. c. 582:

"In *State ex inf. Rice ex rel. Allman v. Hawk*, 360 Mo. 490, 228 S. W. 2d 785, loc. cit. 789 (8,9), this court stated the rule thus: 'The language of the statute is clear and unambiguous, and we have no right to read into it an intent which is contrary to the legislative intent made evident by the phraseology employed.'"

#### CONCLUSION

In the premises, we are of the opinion that a resident of Missouri who is the holder of a discharge from the armed forces of the United States may demand that such discharge be recorded by the recorder of deeds of any county in this state and that such recorder of deeds has no right to refuse such recordation.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Very truly yours,

WFB:DA

JOHN M. DALTON  
Attorney General