

Opinion Request No. 123 answered by
letter by Howard L. McFadden.

February 28, 1962



Honorable Stephen E. Strom
Prosecuting Attorney
Cape Girardeau County
First Federal Savings Building
Cape Girardeau, Missouri

Dear Sir:

This is in response to your request of February 22, 1962 for an opinion stated by you as follows:

"Is the recorder's fee for making and preserving direct and inverted indexes to deed books limited to 20¢ for each instrument indexed, regardless of the number of parties to the instrument?"

"Does the statutory fee allowance of 50¢ 'for every certificate and seal' refer to the recording of such certificate and seal or to the providing by the recorder of his official certificate and seal? If the former, may the recorder charge for more than one such recording where recordation is accomplished by photographing the instrument?"

As indicated in your letter, there appears to be no case law interpretation of the manner in which the particular fees in question are to be applied.

As we read Section 59.310, RSMo 1959 it would appear to us that the answer to your first question is in the affirmative so that only a 20¢ charge per instrument may be made, regardless of the number of grantees and grantors whose names must be indexed or the number of books in which the entries must be made.

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Likewise the 50¢ fee established for every certificate and seal applies not to the number of notarial acknowledgments present on each instrument but only to certificates and seals made by the recorder for such purposes as he is required to perform.

Yours very truly,

THOMAS F. EAGLETON
Attorney General