

OPINION NO. 152
Answered by Letter (DeFeo)

May 3, 1963



Honorable James A. Dunn
Assistant Prosecuting Attorney
Jasper County
204 South Garrison Avenue
Carthage, Missouri

Dear Mr. Dunn:

This letter is in response to your request of March 19, 1963, for an opinion of this office. You inquire in re Supreme Court Rule 76.17:

"* * *whether or not a Recorder of Deeds can properly refuse to file for record a Notice of Levy or Abstract of Attachment unless the filing fee for the same be paid in advance by the Sheriff, who is under the legal duty to place these documents on record."

A similar inquiry has been previously answered by this office. I enclose herewith an opinion dated February 2, 1959, issued to Honorable James H. Anderson, Assistant County Counselor, Jackson County, Kansas City, Missouri.

We have researched your inquiry and it is the conclusion of this office that the more specific and definite legislative expression of Section 513.085, RSMo 1959, Supreme Court Rule 76.17, prevails over the general provisions of Section 59.320, RSMo 1959. The county recorder must file and record

Honorable James A. Dunn

-2-

May 3, 1963

notices of levy under Section 513.085 and cannot demand payment of fees in advance of recording but must "charge and collect as other costs" the recording fees therefor.

I trust this will fully answer your question.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

LD:lt