



April 11, 1963

Honorable Floyd L. Sperry, Jr.
Prosecuting Attorney
Henry County
Clinton, Missouri

Dear Mr. Sperry:

This is in reply to your letter of March 29, 1963, in which you requested an opinion of this office in regard to fees of a recorder. In your letter you refer to Section 443.490 RSMo. The last sentence of paragraph one of Section 443.490 RSMo 1959 provides that "the fee shall also include and cover all costs for discharging the mortgage or deed of trust according to the methods herein provided." Paragraph two of that section provides for the discharge of a mortgage and deed of trust on the margin. It is therefore apparent that the fee of forty-cents includes and covers the costs for discharging the mortgage or deed of trust by marginal release.

For your further information we enclose a copy of an opinion of this office issued on August 28, 1935, to Honorable Elmer Hicklin, Recorder of Deeds, Kennett, Missouri; and an opinion of this office issued February 1, 1954, to Honorable Chas. B. Butler, Prosecuting Attorney, Ripley County, Doniphan, Missouri.

I trust that this letter will answer your question without the necessity of rendering a formal opinion upon your request.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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