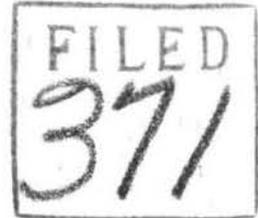


October 11, 1963



Honorable Edwin W. Mills  
Prosecuting Attorney  
St. Clair County  
P. O. Box 151  
Osceola, Missouri

Dear Sir:

In answer to your opinion request of September 9, 1963, I am enclosing a copy of Opinion No. 374 of 1963, addressed to the Honorable John Conley, Jr., which I believe will help in your understanding of this problem. You have also specifically asked three questions in your letter as follows:

1. "Is there any exception in case an old deed is presented for recording?"
2. "Can the recorder properly write in the required name and address of a grantee?"
3. "If not, should he withhold it from record?"

In answer to your first question it is the opinion of this office that the statute as enacted provides for no exception in the case of an old deed and, therefore, the prohibition contained in said Section 59.330, subsection 1, Laws 1963, effective date October 13, 1963, applies.

In answer to your second question, we know of no authority for the recorder of deeds to add any notation to or subtract any notation from any instrument presented to him for recording. The recorder of deeds is given

Honorable Edwin W. Mills

certain specific authority to record certain instruments which meet the required statutory provisions, and it is our opinion that he may not properly write in the address of a grantee on the deeds presented to him for recording.

In answer to your third question, I believe that it is completely answered in the words of the attached Opinion No. 374 (1963) that the recorder of deeds shall not record any such instrument unless said required mailing address appears clearly thereon.

Very truly yours,

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THOMAS F. EAGLETON  
Attorney General

Enclosure

RN:BJ