

CIRCUIT CLERKS:
FEES:
RECORDER OF DEEDS:

All fees received by a circuit clerk or a circuit clerk acting as ex officio recorder of deeds for certifying documents under his control by virtue of his office as circuit clerk or recorder of deeds may not be retained but must be paid into the county treasury.

Opinion No. 221 (1964)
8 (1965)

February 3, 1965



Honorable Paul L. Bell
Prosecuting Attorney
Crawford County
Steelville, Missouri

Dear Mr. Bell:

This is in reply to your recent request for an opinion of this office which reads as follows:

"I would like to know if the fees charged by the circuit court for certifying documents such as deeds, wills, judgments, etc., should be turned over to the county or if they would belong to the circuit clerk or deputy making same."

Crawford County is a third class county in which the offices of circuit clerk and recorder of deeds have been combined under authority of Section 59.040, RSMo 1959.

The primary duties of a circuit clerk together with the fees he shall receive for the performance of such duties are listed in Section 483.540, RSMo 1959. Included in these duties and the fee to be collected is:

"for certificate and seal \$.50."

Section 483.560, RSMo 1959 provides that fees "collected by virtue of his office except fees collected in cases of change of venue from other counties" may not be retained but must be paid into the county treasury. The duties listed in Section 483.540 are required of the circuit clerk and the fees collected for performing these required duties are "fees collected by virtue of his office" as the phrase is used in Section 483.560.

The recorder of deeds is also required to certify documents under his control and to collect a fee of \$.50 for each

Honorable Paul L. Bell

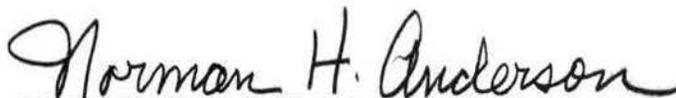
certification, Section 59.310, RSMo 1959. These fees also must be paid over to the county treasurer, Section 59.260, RSMo 1959.

CONCLUSION

It is therefore the opinion of this office that all fees received by a circuit clerk or a circuit clerk acting as ex officio recorder of deeds for certifying documents under his control by virtue of his office as circuit clerk or as recorder of deeds may not be retained but must be paid into the county treasury.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John H. Denman.

Very truly yours,



NORMAN H. ANDERSON
Attorney General