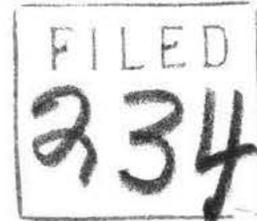


ACKNOWLEDGEMENTS: A recorder of deeds is not authorized to refuse to
LAND SURVEYORS: record a "plat" or survey of real estate on the
grounds that the signature of the registered land
surveyor who has prepared the document has not been
acknowledged.

OPINION NO. 234

October 18, 1965



Mrs. Olean Barton, Acting Secretary
State Board of Registration for
Architects and Professional Engineers
Box 184
Jefferson City, Missouri 65102

Dear Mrs. Barton:

This is in answer to your request for an opinion of this office as to whether a recorder of deeds may refuse to accept a plat or survey of real estate for recording which bears the signature and personal seal of the registered land surveyor making the survey on the grounds that the signature was not acknowledged. It is our understanding this question includes "plats" of cities, towns and villages governed by Chapter 445, RSMo 1959, as well as surveys in which land in various locations is simply surveyed and a record made thereof.

The only basis for refusing to accept such a survey for the reason indicated appears to be Section 59.330, RSMo Supp 1963, which provides in part:

"It shall be the duty of recorders to record:

"(1) All deeds, mortgages, conveyances, deeds of trust, bonds, covenants, defeasances, or other instruments of writing, of or concerning any lands and tenements, or goods and chattels, which shall be proved or acknowledged according to law, and authorized to be recorded in their offices: * * *"

It will not be necessary to determine whether "plats" or other land surveys are included within the requirements of this statute as it is our opinion that a recorder of deeds is not authorized to refuse to record a "plat" or survey of real estate on the grounds that the signature of the registered land surveyor who has prepared the document has not been acknowledged.

Section 59.330 provides that the documents included therein to be suitable for recording shall be "proved or acknowledge according to law." The only legal requirements relating to the signature of a registered land surveyor are found in Sections 344.110 and .120, RSMo 1959, which provide:

Mrs. Olean Barton

Section 344.110:

"Every registered land surveyor shall procure a personal seal, in form approved by the professional engineering division of the board, and shall affix the seal, and his signature upon all maps, plats, surveys or other documents, before the delivery thereof to any client, or before offering to file or record any such map, plat, survey, or other document in the office of the recorder of deeds of any county, or in the office of the city clerk of any city or town, or with the clerk or other proper officer of any school, road, drainage, or levee district, or other civil subdivision of this state."

Section 344.120:

"It shall be unlawful for the recorder of deeds of any county, or the clerk of any city or town, or the clerk or other proper officer of any school, road, drainage, or levee district, or other civil subdivision of this state, to file or record any map, plat, survey, or other document prepared by any land surveyor, which does not have impressed thereon, and affixed thereto, the personal seal and signature of the registered land surveyor by whom, or under whose authority and direction, the map, plat, survey, or other document was prepared."

Neither of these sections require that the signature of the registered land surveyor must be acknowledged before the particular document may be recorded. Therefore, we feel that when such a document is signed and sealed by the surveyor who has prepared it, it has been "proved" according to law.

If the document is a more formal plat of a city, town or village governed by Chapter 445, additional requirements must be met before such a plat may be recorded. See particularly Section 445.030. Again, however, none of these requirements included the acknowledgement of the signautre of the registered land surveyor who prepared it. If such a plat is prepared according to the requirements of Chapter 445, in our opinion it also has been "proved or acknowledged according to law."

CONCLUSION

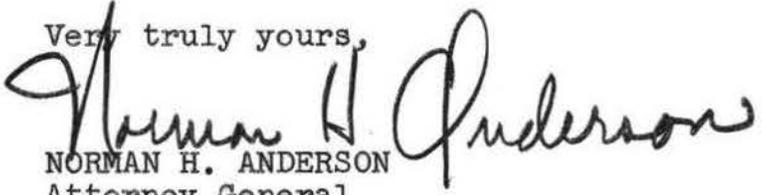
A recorder of deeds is not authorized to refuse to record a "plat" or survey of real estate on the grounds that the signature

Mrs. Olean Barton

of the registered land surveyor who has prepared the document has not been acknowledged.

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

Very truly yours,


NORMAN H. ANDERSON
Attorney General