

MORTGAGES:  
CHATTEL MORTGAGES:  
RECORDERS:  
COUNTY RECORDERS:  
UNIFORM COMMERCIAL CODE:  
FEES, COMPENSATION AND SALARIES:  
FEES:

A recorder of deeds should accept for filing or recording a chattel mortgage on motor vehicles executed prior to July 1, 1965, when presented for filing or recording after such date if the fees payable for filing or recording such chattel mortgage prior to July 1, 1965, are tendered for such filing or recording.

Opinion Nos. 301 and 305

August 16, 1965

Honorable Allen S. Parish  
Prosecuting Attorney of Saline County  
Court House  
Marshall, Missouri

Dear Mr. Parish:

This is in answer to your letter of recent date in which you ask for an official opinion from this office concerning the duties of county recorders insofar as chattel mortgages are concerned. Your question is:

Should the recorder of deeds accept for filing or recording chattel mortgages on motor vehicles executed before July 1, 1965, and presented for filing or recording after such date and if so, what fees should be charged for such filing or recording.

Sections 443.480 to 443.520, R.S.Mo., relating to chattel mortgages were repealed by Senate Bill No. 241 of the 73rd General Assembly as of July 1, 1965.

The provisions so repealed provided that chattel mortgages were required to be filed or recorded in the office of the recorder of deeds to be valid against third parties. Fees were provided for such filing or recording.

Senate Bill No. 149 of the 73rd General Assembly, effective July 1, 1965, provides for perfecting liens on motor vehicles by recording on the title by the Director of Revenue.

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Section 10--102 (2) Senate Bill No. 241 of the 73rd General Assembly provides as follows:

"(2) Transactions validly entered into before the effective date specified in Section 10-101 and the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by any statute or other law amended or repealed by this Act as though such repeal or amendment had not occurred."

Under such Section it may be held by the Courts of this State that the provisions of law which authorized filing and recording of chattel mortgages and the charging of fees for such filing and recording prior to July 1, 1965, are still applicable to chattel mortgages on motor vehicles executed prior to July 1, 1965, and presented for filing or recording on or after July 1, 1965.

The recorder of deeds is not required to determine the legal effect of Section 10-102 (2) of Senate Bill No. 241.

It is, therefore, our view that the recorder of deeds should accept for filing or recording chattel mortgages on motor vehicles executed before July 1, 1965, and presented for filing or recording after such date upon tender of the fees provided for such filing or recording prior to July 1, 1965.

The act of the recorder of deeds in accepting chattel mortgages on motor vehicles for filing or recording which were executed before July 1, 1965, and presented for filing or recording after such date does not in any way determine the validity of such filings or recordings or whether such filing or recording constitutes notice to third parties of a chattel mortgage or any other legal effect or result of such filing or recording.

#### CONCLUSION

It is the opinion of this office that a recorder of deeds should accept for filing or recording a chattel mortgage on motor vehicles executed prior to July 1, 1965, when presented for filing or recording after such date if the fees payable for filing or recording such chattel mortgage prior to July 1, 1965, are tendered for such filing or recording.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, C. B. Burns, Jr.

Very truly yours,

*Norman H. Anderson*

NORMAN H. ANDERSON  
Attorney General