

CIRCUIT CLERKS:
COUNTY RECORDER:
COUNTY ASSESSOR:

Circuit clerk-recorder in third class
county not required under Section.
137.117 to notify county assessor
of court decrees in quiet-title suits.

OPINION NO. 62
342 (1967)

February 6, 1968



Honorable Peter H. Rea
Prosecuting Attorney
Taney County
Branson, Missouri

Dear Mr. Rea:

This is in reference to your letter in which you inquire whether the circuit clerk and ex officio recorder of deeds in a third class county are required under Section 137.117, RSMo 1959, to supply the county assessor with information concerning decrees of courts in quiet-title suits based on adverse possession.

Section 137.117, RSMo 1959, to which you refer provides:

"The circuit clerk and ex officio recorder of deeds of each county of the fourth class and of each county of the third class wherein the offices are combined, and the recorder of deeds of each county of the third class wherein the offices are separate, shall furnish the county assessor of his county, or the township assessors in counties with township organization, on or before the fifteenth day of each month a true and complete list of all real estate transfers completed in the county or townships, in counties with township organization, during the preceding month. The list so furnished shall contain the following information relating to each transfer:

- (1) The names of the grantor and grantee;
- (2) The consideration paid;
- (3) A description of the real estate transferred by the smallest legal subdivisions, or by smaller parts, lots or parcels, if

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sections and the subdivisions thereof are subdivided into parts, lots, or parcels as shown by plat duly recorded and if not so subdivided then by such description as will enable the assessor to find it, together with the number of acres transferred; and

(4) The book and page number where each deed is recorded." (Emphasis ours)

You state that Taney County is a third class county and the offices of circuit clerk and recorder are combined. In other words, the same officer is in charge of both offices. Under this section the circuit clerk and ex officio recorder of each county in the third class, wherein the offices are combined, is required to furnish the information to the county assessor regarding transfers of property that are recorded as provided in the above statute.

It is the view of this office that under Section 137.117, supra, the circuit clerk-recorder in a third class county where the offices of circuit clerk and recorder have been combined is to furnish information to the assessor regarding those deeds of conveyance that have been recorded in the recorder's office. This applies only to deeds of conveyances that are recorded and unless they are recorded he is not required to include them. It is our opinion that this statute does not apply to judgments, and decrees of a court in suits to determine or quiet title because the statute refers to "deeds" and to grantors and grantees.

A deed is a written instrument subscribed and acknowledged by the person executing the same by which property is conveyed. There must be a grantor and grantee in such instruments. Section 442.020, RSMo 1959; Seibel v. Higham, 216 Mo. 121, 115 S.W. 987; Words and Phrases, Vol. 11, Deed, p. 452.

A decree of court in quiet-title suits based on adverse possession does not have a grantor or grantee and is not a deed, so it does not come within the purview of Section 137.117, supra.

In view of our answer to this question it is unnecessary to consider the other questions submitted.

CONCLUSION

It is the opinion of this office that in the county of the third class where the office of circuit clerk and recorder have been combined, the circuit clerk-recorder is under no duty to furnish the county assessor with information concerning decrees of courts in quiet-title suits.

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The foregoing opinion, which I hereby approve, was prepared by my Assistant, Moody Mansur.

Yours very truly,


NORMAN R. ANDERSON
Attorney General