

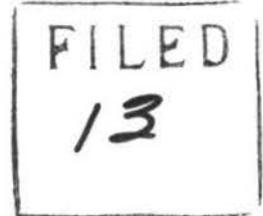
RECORDER OF DEEDS:

County recorders of deeds are not authorized to make reports on real estate lien searches for the Farmers Home Administration (Form FHA-Mo 427-4, 4-2-71).

OPINION NO. 13

April 26, 1974

Honorable James S. Millett
Prosecuting Attorney
Caldwell County
Post Office Box 8
Kingston, Missouri 64650



Dear Mr. Millett:

This opinion is in response to your questions asking:

"A. Is the Recorder of Deeds required to make a record search of the records in his office and give findings?

"B. Can the Recorder's statement of the search of his records concerning Deeds or Deeds of Trust of record be considered a legal opinion and practicing law?

"C. Assuming that it is legal and proper for the Recorder to render opinions on his search of his records concerning Deeds and Deeds of Trust; does that in any way jeopardize his bond; or place an additional risk on the bonding company?"

You further state that:

"The Recorder of Deeds has been advised that the Farmers Home Administration will begin or has begun a policy of requesting opinions from the Recorder of Deeds concerning the records in his custody on forms provided by the FHA to make preliminary title search; and title search regarding real estate transactions involving the FHA. The FHA presumably to pay a fee therefor."

A copy of the document to which you refer, identified as FHA-Mo 427-4 (4-2-71), is attached to this opinion.

Honorable James S. Millett

We find no statutory provisions requiring the recorder to make such searches and give such findings. Our Opinion No. 48 dated September 22, 1966, to McCaffree, copy enclosed, noted that Section 400.9-407, RSMo, did not apply to security interests in real property, except as to fixtures attached thereto.

Further, as you have noted, Section 59.200, RSMo, provides:

"Every recorder of deeds or the deputy of any such officer, who shall engage in the business of making abstracts of instruments of record in his office affecting the title to lands, for profit or hire, or who shall furnish to any person or persons any written extract, excerpt, memoranda or copy of any such instrument of record, for profit or hire, otherwise than under and in pursuance of the statutes defining his duties as such officer and in his official capacity, duly authenticating each extract, excerpt, memoranda or copy of every such instrument so furnished under the seal of his office, shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than twenty nor more than fifty dollars."

We find no statute authorizing the recorder to make the real estate lien search report, Form FHA-Mo 427-4 (4-2-71).

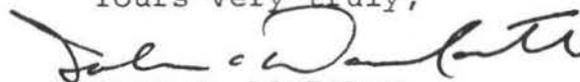
We conclude, in view of the answer to your first question, that it is not necessary to answer the other questions you pose.

CONCLUSION

It is the opinion of this office that county recorders of deeds are not authorized to make reports on real estate lien searches for the Farmers Home Administration (Form FHA-Mo 427-4, 4-2-71).

The foregoing opinion, which I hereby approve, was prepared by my assistant, John C. Klaffenbach.

Yours very truly,



JOHN C. DANFORTH
Attorney General

Enclosures: Form FHA-Mo 427-4
(4-2-71)

Op. No. 48
9-22-66, McCaffree