

RECORDERS--FEES: Recorder must charge fees for services in the amount provided for by law.

May 22, 1936

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Honorable Walter J. Button  
Circuit Clerk and Recorder  
Benton County  
Warsaw, Missouri

Dear Sir:

We acknowledge your request for an opinion dated May 15, 1936, which reads as follows:

"I would appreciate your opinion on the following questions:

"Must a Recorder charge an ex-soldier for certified copies?

"Must a Recorder charge for release of chattel, that was drawn before August 1935?"

We are enclosing a copy of our opinion to the Honorable Elmer Hicklin, in which we held that no fee is now chargeable for the discharge of a chattel mortgage. This answers your second question.

Section 3955, R. S. Mo. 1929, provides in part:

"\* \* \* and it shall be unlawful for any county clerk, circuit clerk, recorder, or any other officer of any court, or his deputy, or any person in his employ, to charge, collect or receive less fee for his services than is provided by law."

Section 3956, R. S. Mo. 1929, provides:

"Any such clerk or officer violating the preceding section shall, upon conviction, be punished by fine of not less than one hundred dollars, and in addition shall forfeit his office, and it shall be the duty

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of the judge having criminal jurisdiction to give this and the preceding section in special charge to the grand jury."

CONCLUSION.

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It would be unlawful for you to exempt an ex-soldier from paying fees provided for by law for such services.

Respectfully submitted

WM. ORR SAWYERS  
Assistant Attorney General.

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APPROVED:

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JOHN W. HOFFMAN, Jr.  
(Acting) Attorney General.