

Chattel Mortgage, Satisfaction of. Release, of Chattel Mortgage. Acknowledgment, of Release.

Where satisfaction is made of a chattel mortgage by instrument in writing it need not be acknowledged.

Where two chattel mortgages are released in one instrument, it should be executed in duplicate so as to permit of complying with Section 15, Chapter 86, Laws of 1913.

May 5, 1916.

Hon. Julian Terrett,
County Attorney,
Hardin, Montana.

Dear Sir:

I am in receipt of your letter, submitting two questions upon which you desire opinions, both of which relate to the chattel mortgage law, and depend for their solution upon the construction to be placed upon Section 15, Chapter 86 of the Thirteenth Session Laws. These questions are:

1. Are satisfactions of chattel mortgages required to be duly acknowledged before a competent officer authorized to take acknowledgments?

2. May two chattel mortgages be released in one instrument?

1. In the absence of specific statutory direction, a parol agreement for a release is sufficient to operate as a release, although the mortgage is under seal (7 Cyc. 74). Our statute requires that

“An acknowledgement of satisfaction, signed by the mortgagee, his legal representatives or assigns, must be endorsed upon the mortgage, or copy thereof, or attached thereto.”

This does not mean that the acknowledgment of satisfaction itself must be acknowledged. It means rather that a written admission or recognition of satisfaction, must be supplied, and when this has been done, the requirements of the statute have been satisfied.

2. As to whether two chattel mortgages may be released by one instrument, the law provides, as above stated, that the satisfaction, when not endorsed upon the mortgage, must be attached thereto. It, therefore, seems that where a mortgagee, or his representatives or assigns, undertakes to release two chattel mortgages by one written instrument, the satisfaction should be executed in duplicate, so that an acknowledgment of satisfaction may be attached to each mortgage released or satisfied.

Yours very truly,

J. B. POINDEXTER,

Attorney General.