

Chattel Mortgages—Mortgagors—Receipt Of.

Under Chapter 183, Session Laws of 1919, the receipt of the mortgagor must be signed separate and apart from the mortgage and be attached thereto.

June 2nd, 1919.

Mr. E. E. Collins,
County Attorney,
Billings, Montana.

Dear Sir:

I am in receipt of your letter of recent date asking me to advise you whether, under Chapter 183, Session Laws 1919, which requires the mortgagor in a chattel mortgage to surrender to the mortgagee a receipt showing that a copy of such mortgage has been received by the mortgagor, which receipt shall be attached to the original mortgage and filed therewith, a mortgage so drawn that the receipt of the copy is acknowledged in the body of the mortgage is sufficient.

This act provides that the mortgagee shall, at the time of the execution of the mortgage, deliver to the mortgagor a correct copy of the original mortgage, and that the mortgagor must surrender to the mortgagee a receipt for such copy, which receipt shall be attached to the original mortgage and filed therewith. It does not provide that the acknowledgment of receipt of copy may be placed in the body of the mortgage, but provides that the receipt shall be separate from the body of the mortgage. I am, therefore, of the opinion that it is not a compliance with the provisions of this chapter to place such acknowledgment of receipt in the body of the mortgage, but that the receipt must be signed separate and apart from the body of such mortgage.

Respectfully,

S. C. FORD,

Attorney General.