

**Seed Grain Liens—Cancellation Of—County Treasurer,
Duty of On Payment.**

Where a seed grain lien has been paid, the County Treasurer should satisfy and release the same as filed in the office of the County Clerk by making the proper endorsement thereon.

Jan. 6th, 1919.

Glen M. Cox,
County Treasurer,
Shelby, Montana.

Dear Sir:

I am in receipt of your letter of recent date with reference to the manner of cancelling seed grain liens after the amounts thereof have been placed on the tax books and paid.

The placing of the amounts due under the contracts on the tax books does not serve in any way to release the lien of the county under the contract, but simply provides the procedure for enforcing payment thereof. And the payment of the same after being entered in the tax books while it is a payment of the amount due does not constitute record evidence of the release and satisfaction of the lien. For instance if a mortgage be given on real estate while the payment of the amount due releases the mortgagor from further liability it does not operate as a release or satisfaction of record of the mortgagee. So with a seed grain lien, payment of the amount due, after being placed on the tax books, releases the maker from further liability but it does not satisfy or release the lien of record. The very purpose of Section 26 was to provide some method whereby the lien might be released of record, so that any person examining the records in the county recorder's office and finding the lien can tell whether or not it has been satisfied and released, without being required to ascertain from the treasurer's office whether the amount thereof has been paid.

No matter when the amount of the lien is paid, whether before or after being placed on the tax books, when it is paid the County Treasurer should satisfy and release the lien filed in the County Clerk's office by making the proper endorsement thereon.

Respectfully,
S. C. FORD,
Attorney General.