

Sheriffs—Deeds—Fees.

Under the provisions of section 9445, R. C. M. 1921 the sheriff is required to prepare and execute a deed conveying lands sold under foreclosure and is not authorized to collect any fee for that service.

Charles H. Bateman, Esq.,
Sheriff,
Jordan, Montana.

September 6, 1927.

My dear Mr. Bateman:

You have requested my opinion whether a sheriff is required to prepare a sheriff's deed for land sold under mortgage foreclosure, and if so, if he is entitled to a fee for preparing the same.

Section 9445, R. C. M. 1921 provides as follows:

"The payment mentioned in the last two sections may be made to the purchaser or redemptioner, as the case may be, or for him to the officer who made the same, or, in case his term of office has expired, then to his successor in office; and in all cases, when under the provisions of this chapter, a purchaser of property at execution sale shall be entitled to a conveyance of the same, such conveyance shall be executed to him by the officer who made the sale, if he still be in office, but, in the case the officer who made such sale is not in office at the time the purchaser may be entitled to such conveyance, then the conveyance shall be executed by his successor in office."

Under the foregoing statute it is my opinion that the sheriff is required to prepare and execute deeds conveying land sold under foreclosure proceedings, and as a county officer is entitled to collect only such fees as are specifically provided for by statute, and there being no provision for collecting any fee for this service, he is not entitled to collect a fee for the same.

Very truly yours,

L. A. FOOT,
Attorney General.