

**Filing Fees—Releases—Chattel Mortgages — Conditional Sales Contracts—Assignments.**

Proper filing fee for releases of chattel mortgages and conditional sales contracts is fifty cents unless release is by marginal notation in which case fee is twenty-five cents. Proper filing fee for conditional sales contracts is fifty cents. An assignment of a conditional sales contract may not be filed.

R. N. Hawkins, Esq.,  
Assistant State Examiner,  
Helena, Montana.

July 3, 1929.

My dear Mr. Hawkins:

You have requested an opinion of this office with reference to the following questions:

“1. What fee should be charged for the release of chattel mortgages?

“2. What fee should be charged for the release of conditional sales contracts?

“3. What fee should be charged for conditional sales contracts on which the same is assigned?”

With reference to the first and second questions there is no provision in our statutes with reference specifically to the fee for filing a

release of the instruments. Section 4917, which fixes the fees to be charged by the county clerk, provides as follows:

“For filing and indexing each affidavit of renewal of chattel mortgage, fifty cents.

“For filing or recording or indexing any other instrument not herein expressly provided for, the same fee as hereinbefore provided for a similar service.”

It is the opinion of this office in view of the two provisions quoted that the proper fee to be charged for releases of chattel mortgages and conditional sales contracts is fifty cents, unless such release be made by marginal notation, in which case the proper fee is twenty-five cents, as is provided by Section 4917 R.C.M. 1921.

With reference to the third question, Section 4917 provides as follows:

“For filing or recording or indexing any other instrument not herein expressly provided for, the same fee as hereinbefore provided for a similar service.

“For filing and indexing each chattel mortgage, a writ of attachment, execution, certificate of sale, lien, or other instrument, required by law to be filed and indexed, fifty cents.”

In view of these provisions it is the opinion of this office that the proper fee to be charged for conditional sales contracts is fifty cents.

As to an assignment of a conditional sales contract, it is not entitled to be filed. (See *Parsons vs. Rice*, 81 Mont. 509). If a conditional sales contract is presented for filing with the assignment so attached as not to permit the separation from the contract, the clerk should certify on the instrument that only the contract has been filed, and charge the fifty cent fee.

Very truly yours,

L. A. FOOT,  
Attorney General.