

Abstracters—Certificates.

A person, firm or corporation engaged in the abstract business and who has in charge of his or its business a registered abstracter and who furnishes a bond of \$5,000 may procure a certificate of authority which entitles him or it to do business in any or all of the counties wherein he or it has a set of abstract books or system of indices.

Mr. F. O. Williams,
Secretary,

September 23, 1931.

Abstracters Board of Examiners,
Kalispell, Montana.

My dear Mr. Williams:

You request my opinion whether a person, firm or corporation engaged in the business of making and compiling abstracts of title to real estate may do business in more than one county of the state under one certificate of authority and under one bond.

Chapter 105 of the laws of 1931 requires that such a person, firm or corporation obtain a certificate of authority, and section 11 thereof provides that the certificate authorizes such person, firm or corporation to engage in and carry on the business of an abstracter of real estate titles "in the county or counties of the State of Montana, in which said person,

firm or corporation has for use a set of abstract books or system of indices as provided in section 1 thereof * * *."

Before a certificate of authority is issued the abstracter must give a bond in the sum of \$5,000 as provided in section 13 of the act, and it is provided in said section that no person, firm or corporation shall be required at any time to have in force and effect a bond in excess of \$5,000.

My interpretation of the above provisions is that a person, firm or corporation engaged in the abstract business and who has in charge of his or its business a registered abstracter and who furnishes a bond of \$5,000 may procure a certificate of authority which would entitle him or it to do business in any or all of said counties.

You further inquire if under section 12 of said chapter 105 the holder of a valid and subsisting certificate of authority issued by the state treasurer under section 4140 is entitled to a certificate of authority from your board without a showing of good faith that he has an office or regular place of business and holds himself out as engaged in the business of abstracting.

In my opinion, such a person is entitled to a certificate of authority upon the showing that he holds a certificate from the state treasurer and that his business is in the charge of a registered abstracter and tendering bond in the sum of \$5,000; no other showing is required. The fact that his business is in charge of a registered abstracter, whether that be himself or some person employed by him, is evidence of the fact that he holds himself out to be engaged in the abstract business.

Very truly yours,

L. A. FOOT,

Attorney General.