

Opinion No. 633**Motor Vehicles—Chattel Mortgage
—Conditional Sales Contract
—Filing Fee.**

50c should be paid for the filing of each chattel mortgage or each conditional sales contract.

HELD: A filing fee of fifty cents must be paid for the filing of each chattel mortgage or each conditional sales contract on a motor vehicle.

October 27, 1934.

Section 1758, R. C. M. 1921, as amended by subsection 4 of section 2, Chapter 159, Laws of 1933, provides for the depositing with the registrar of motor vehicles of the original chattel mortgage, or a copy of said mortgage accompanied by a certificate of a notary certifying the same as a true and correct copy of the original, and for the registration of the mortgagee as the legal owner of the motor vehicle described in the chattel mortgage. It also provides for the deposit of a conditional sales contract, or a certified copy thereof, and for the registration of the conditional sales vendor as the owner of the motor vehicle described therein. In following this procedure, a chattel mortgage is exempted from the provisions of Sections 8278 and 8280 R. C. M., 1921, and conditional sales contract of a motor vehicle is exempted from the provisions of Sections 7594 and 7596 of the Revised Codes. This section also provides that such registration and the deposit of said instruments or certified copies shall constitute notice to subsequent purchasers and encumbrancers. Section 5 of said chapter provides, "a fee of 50c shall be paid the registrar for filing chattel mortgages and conditional sales contracts * * *."

You have stated that you are receiving a number of copies of chattel mortgages and conditional sales contracts which contain a number of automobiles listed together on one chattel mortgage or conditional sales contract. You ask whether or not you should return these documents for segregation, allowing but one automobile to be filed on each contract or mortgage. Your letter does not recite any further facts and we are not sure that we understand the exact situation.

It is my opinion that it was the intention of the legislature that a fee of