

February 15, 1939.

Honorable Sam W. Mitchell
Secretary of State
The Capitol Building
Helena, Montana

Dear Sir:

You have received for recording and filing an amendment to the articles of incorporation of the West Fork Water Users Association, a corporation chartered under the general corporation laws of this state, increasing the capital stock of such corporation from \$20,000 to \$35,000. You wish to know the fee chargeable for recording and filing this amendment.

Section 145, Revised Codes of Montana, 1935, provides:

"The secretary of state, for services performed in his office, must charge and collect the following fees:

"4. For recording and filing each certificate of incorporation and each certificate of increase of capital stock, the following amounts shall be charged:

"Amounts up to one hundred thousand dollars, one dollar per thousand dollars. * * * * *

"Providing, that no fee for filing any articles of incorporation or increase of capital stock shall be less than fifty dollars except those enumerated in the next subdivision, which do not have capital stock and are not organized for the purpose of profit."

A water users association, in so far as filing increase of capital stock is concerned, is not included in the exemptions of subdivision 5, and, therefore, a minimum fee of \$50.00 would be chargeable.

Opinion No. 21.

Corporations—Water Users Association—Secretary of State—Fees—Filing and Recording Increase of Capital Stock.

HELD: The minimum fee for filing and recording an increase of capital stock of a water users association is fixed by Section 145, R. C. M., 1935.