

**Opinion No. 47-5030**

May 22, 1947

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. C. R. Sebastian State Comptroller Santa Fe, New Mexico

{\*52} I am in receipt of your letter of May 20, 1947, and the enclosed letter from the Eddy County Abstract Company, requesting information concerning the new form of warranty deeds and other instruments.

By Chapter 179 of the Laws of 1939 (Sections 13-109 and 13-110 of the 1941 Compilation) provision was made for the adoption of standard forms of instruments. This adoption was to be made by the State Comptroller with the approval of the Attorney General. Under this statute, two different recording fees were provided -- one for the standard form and a larger fee for non-standard forms. By Senate Bill No. 39, adopted at the last Legislature, short forms for the conveyance and mortgaging of real estate were adopted. However, this statute did not make these instruments standard forms in the meaning of Chapter 179 of the Laws of 1939. Therefore, it would be necessary for the county clerk to charge the higher fee for non-standard forms of instruments for the recording of such short form deeds and mortgages.

It is my suggestion that you, as State Comptroller, adopt these short forms as standard forms. After this office has approved the same, the county clerks could then charge the smaller fee as the instruments would then be standard forms within the meaning of Chapter 179.

By ROBT. W. WARD,

Asst. Atty. General