

Opinion No. 56-6528

October 10, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Tibo J. Chavez, Assistant District Attorney, Second Judicial District,
Albuquerque, New Mexico

You have requested an opinion from this office in your letter of September 4, 1956, regarding the proper fees to be charged by the County Clerk for making photostatic copies of instruments which are required to be filed and recorded with the County Clerk. This office has rendered an opinion which completely answers this question. We are, therefore, enclosing a copy of Opinion No. 6242, which answers the question concerning the proper fees to be charged in cases where the method of recording is by photo copying.

You ask the additional question as to whether transcripts of judgment can be photo copied so as to become a lien upon the real estate of the judgment debtor. It seems that concern has been expressed to your office as to whether the transcripts of judgment which are photo copied would become a valid lien.

We are of the opinion that the transcripts of judgment secured from the District Court Clerk can be submitted to the County Clerk for recording under the provisions of Section 21-9-7, N.M.S.A., 1953 Compilation, and that the County Clerk can record the same by making a photostatic copy of said transcript. Section 71-4-7 and 71-4-8, N.M.S.A., 1953 Compilation. However, these photostatic copies would have to be kept in a separate book as required by Section 21-9-7, N.M.S.A., 1953 Compilation, and the indexing would have to be in the same manner as in cases where manual recording is followed.

Trusting we have answered your question, we remain

By: Paul L. Billhymer

Assistant Attorney General