

Opinion No. 34-824

October 30, 1934

BY: E. K. NEUMANN, Attorney General

TO: Miss Catherine Farrelly, Deputy Clerk District Court, Santa Fe, New Mexico.

{*164} In your letter of October 29, 1934 you ask whether or not the filing of a petition for the appointment of a guardian for a minor is subject to the \$ 2.50 fee imposed by Section 4, Chapter 14, Laws of 1934.

Said section provides that "there is hereby levied a fee of \$ 2.50 upon each and every **civil action** filed in the office of the clerk of the various district courts of the State of New Mexico, etc.,". The term "action" has been defined as the "pursuit of a right in court without regard to the form of procedure". Ginsberg vs. Wyman, 172 N.E. 614, 272 Mass. 499. In view of such definition I am of the opinion that the filing of such a petition constitutes the filing of a "civil action" within the meaning of said section.

By: QUINCY D. ADAMS,

Asst. Attorney General