

Opinion No. 35-861

January 15, 1935

BY: FRANK H. PATTON, Attorney General

TO: Mrs. Elizabeth F. Gonzales, Secretary of State, Santa Fe, New Mexico. Attention: Mrs. Maria Gutierrez.

{*35} You have referred to this office for attention letter from J. A. Torres of Socorro, New Mexico, wherein it is desired to know the correct fees to be charged by the various county clerks for recording commissions and bonds of notaries public.

Section 94-105 of the 1929 Compilation provides for a fee of \$ 1.00 to be charged by the county clerk for recording the commission. Section 94-107 of the 1929 Compilation provides that the bond shall also be recorded but sets forth no fee.

Therefore, we must be guided by the provisions contained in Section 33-4306 of the 1929 Compilation, which enumerates the fees to be charged by the county clerk.

We do not find any specific provision for such bond as is herein described but we do find that the county clerk may charge for copying any order, record or paper at the rate of ten cents per hundred words.

It is generally customary throughout the state for county clerks to charge the sum of \$ 1.50 for recording these bonds and this is upon the theory that it is the average cost.

{*36} If the person having such bond recorded should insist upon a strict compliance with the statute he could require that the county clerk charge at the rate of ten cents per hundred words. This might amount to more than the \$ 1.50 or it might amount to less, but it seems, as above stated, to be customary for the clerks to make this arbitrary charge.

We herewith enclose, for your files, the letter from Mr. Torres.