

**OPINION**  
**55-96**

November 29, 1955            (OPINION)

RECORDING

RE: Fees

We have your letter of November 22, 1955, in which you enclose a mimeographed copy of charges for recording certain documents. You state that a dispute has arisen because you charged three dollars for the recording of a North Dakota standard farm mortgage.

In 1953 the Legislature enacted chapter 113 of the 1953 Session Laws which is an amendment of section 11-1805 and section 35-0306 of the N.D.R.C. of 1943 and it may be found in the 1953 Supplement likewise. Now in this Act of the Legislature, they have enumerated all the documents which may come to the register of deeds for recording and they have fixed a specific charge for same. Item 8, for instance, lists mortgages, one dollar and fifty cents. However, subsection 21 of the same act provides that if any of the above documents, which includes mortgages, shall exceed five hundred words in length, and additional fee of fifteen cents for each additional folio shall be charged. This will then authorize you to charge more than one dollar and fifty cents providing the mortgage is more the five hundred words in length. Furthermore, subsection 19 provides that if such document contains more than one acknowledgment a fee of twenty-five cents for each additional acknowledgment shall be charged.

It appears to us that the law is very specific and clear and that the register of deeds has the power and right to charge more than one dollar and fifty cents for recording a mortgage providing that it is more than five hundred words in length. This applies to all other documents listed therein.

LESLIE R. BURGUM

Attorney General