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OFFICES OF THE  
ATTORNEY GENERAL OF MISSOURI  
JEFFERSON CITY

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OPINION LETTER NO. 18

Honorable C. E. Hamilton, Jr.  
Prosecuting Attorney  
Callaway County, Courthouse  
Fulton, Missouri 65251

Dear Mr. Hamilton:

This opinion letter is written in response to your request posed to the Office of the Attorney General in which the following question is asked:

"Is a County Recorder in a third class county required to accept for recording one Deed of Release which releases three separate Deeds of Trust?"

Section 59.330, RSMo 1969, provides it is the duty of county recorders to record:

"All deeds, mortgages, conveyances, deeds of trust, bonds, covenants, defeasances, or other instruments of writing, of or concerning any lands and tenements, or goods and chattels, which shall be proved or acknowledged according to law, and authorized to be recorded in their offices;  
. . . ."

Section 443.060, RSMo 1969, relating to mortgages and deeds of trust, provides in part that:

"If any mortgagee, cestui que trust or assignee, or administrator of the mortgagee, cestui

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que trust or assignee, receive full satisfaction of any mortgage or deed of trust, he shall, at the request and cost of the person making the same, acknowledge satisfaction of the mortgage or deed of trust on the margin of the record thereof, or deliver to such person a sufficient deed of release of the mortgage or deed of trust; but it shall not in any case be necessary for the trustee to join in such acknowledgment of satisfaction or in such deed of release; and provided further, that when any mortgage or deed of trust shall be satisfied by a deed of release, the recorder shall note on the margin of the record of such deed of trust the book and page where such deed of release is recorded. In case satisfaction be acknowledged by the payee or assignee, or in case a full deed of release is offered for record, the note or notes secured shall be produced and canceled in the presence of the recorder, who shall enter that fact on the margin of the record and attest the same with his official signature; and no full deed of release shall be admitted to record unless the note or notes are so produced and canceled; and that fact entered on the margin of the record and attested as above provided."  
(Emphasis added).

Clearly, from the statutory language in the above sections, it is the duty of the county recorder to record a deed of release releasing a mortgagor or trustor from obligation under a mortgage or deed of trust. Nothing in either Chapter 59 or Chapter 443 of the Revised Statutes of this state countermands that duty of the recorder to the extent that a deed, releasing more than one mortgage or deed of trust, is not required to be recorded. Therefore, we answer your inquiry in the affirmative, i.e., a county recorder in a third class county is required to accept for recording one deed of release which releases three separate deeds of trust.

Very truly yours,



JOHN C. DANFORTH  
Attorney General