

OFFICE OF THE ATTORNEY GENERAL



91-00338

JIMMY EVANS
ATTORNEY GENERAL
STATE OF ALABAMA

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 242-7300

JUL 30 1991

Honorable L. W. Noonan
Judge of Probate
P. O. Box 7
Mobile, Alabama 36601

Deputy Registrars - Fees - Recordation of Instruments - Oaths

Since taking and filing an oath
is not required by a deputy
registrar, if a deputy registrar
takes an oath of office and
wishes to file it in the probate
court, a filing fee must be
imposed.

Dear Judge Noonan:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

If a deputy registrar takes an oath of
office and insists on recording it in the
probate court, although not required to do
so, is the imposition of a filing fee proper?

FACTS AND ANALYSIS

On May 21, 1991, this office issued an opinion to you which
stated that a registrar is required to file an oath of office in
the probate court, but the probate court is not required to

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impose a filing fee and a deputy registrar is not required to take or file an oath of office. We understand that many, if not all, deputy registrars do take an oath of office. However, even if a deputy registrar takes an oath of office, he is not required to file it in the probate court. If a deputy registrar wishes to have his oath filed in the probate court, it is our opinion that a filing fee must be imposed. See Code of Alabama 1975, § 12-19-90. We suggest that you inform any deputy registrar that seeks to have his oath of office filed that filing is not required but it may be filed if the proper fee is paid.

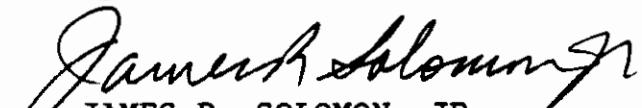
CONCLUSION

Since taking and filing an oath is not required by a deputy registrar, if a deputy registrar takes an oath of office and wishes to file it in the probate court, a filing fee must be imposed.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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