



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable F. L. Massie
County Auditor
Wilbarger County
Vernon, Texas

Dear Sir:

Opinion No. 0-6807

Re: Interpretation of H. B. 642,
49th Legislature, regarding
fees to be charged by dis-
trict clerks for certain
certificates.

We are in receipt of your letter of recent date re-
questing the opinion of this department on the above stated
matter. We quote from your letter, as follows:

"In the new fee bill effective as of September
4th 1945, the fees as set up for the District Clerk
reads as follows:-

"1st:- Certificate and seal on any copy
.50 cents

"2nd:- Each certificate of any facts con-
tained in his office \$1.00

"It appears that the two charges are identical.
Can you explain to me where one charge is applicable
and where the other?"

After a careful consideration of the particular
provisions of H. B. No. 642, 49th Legislature, referred to
in your letter, as well as the type of service contemplated
for the respective fees prescribed, you are advised, as
follows:

- (1) "Certificate and seal on any copy" involves the
district clerk's service in preparing a certifi-
cate and affixing his seal thereto, and attaching

Honorable F. L. Massie, page 2

said certificate and seal to a copy of an instrument on file in his office, when said copy has been prepared by some person other than the district clerk. In this instance the clerk merely certifies that a particular copy of an instrument is a true and correct copy of an original instrument on file in his office, and it does not involve the duty of the actual preparation of the copy.

- (2) "Each certificate of any facts contained in his office" includes the district clerk's services in searching his records, preparing a statement of the matter or fact to which he certifies and his certificate to same. This is distinguishable from the services contemplated in (1) in that it is not contemplated that the clerk in (1) will prepare the copy of the instrument which he certifies is a true and correct copy, while in (2) it is contemplated that the clerk will prepare the statement of the matter or fact to which he certifies, or will transcribe same from the original, as well as make the certificate to such fact.

We trust that the foregoing satisfactorily answers your inquiries.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

[Handwritten signature]

By

[Handwritten signature: J. A. Ellis]
 J. A. Ellis
 Assistant

JAB:ddt

