



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

September 25, 1947

Hon. Donald Allums
County Auditor
Hardin County
Kountze, Texas

Opinion No. V-239-A

Re: Clarification of Opinion
V-239 - Registration by the
county clerk of conditional
sales contracts.

Dear Sir:

It has been called to our attention that in our Opinion No. V-239 relating to registration by county clerks of conditional sales contracts that we made no distinction between the requirements for registration of the original of such contracts and copies thereof. It is true that a different rule applies in the case of the original contract, which is treated the same as a chattel mortgage. The holding in our opinion should have been limited to copies of the contract, which the clerk is not authorized to register unless the original instrument has been witnessed by two or more subscribing witnesses or acknowledged or approved for record according to the relevant Articles. As stated in the case of Chaytor vs. Brunswic-Balke-Collender Co., 71 Tex. 588, 10 S.W. 250, the original instrument may be registered without witnesses or acknowledgment. Opinion V-239 is hereby modified accordingly.

SUMMARY

Conditional sales in Texas are treated as chattel mortgages. The county clerk is authorized to register and file the original of such instruments without witnesses or acknowledgment, but cannot file copies unless the original shall have been witnessed or acknowledged as provided by law. Chaytor v. Brunswick-Balke-Collender Co., 71 Tex. 588, 10 S. W. 250.

Yours very truly

APPROVED:
s/ Price Daniel
ATTORNEY GENERAL

ATTORNEY GENERAL OF TEXAS

By s/ John Reeves
John Reeves
Assistant

JR;djm/cg