

## Chapter 205

### County Clerks

#### 205.110

##### NOTES OF DECISIONS

As some of the duties of a county clerk are quasi judicial, he cannot appoint a deputy unless expressly authorized by statute. *State v. Smith*, (1859) 1 Or 250.

The county clerk, where county is respondent, may accept service of the notice of appeal. *Read v. Benton County*, (1882) 10 Or 154.

A writ to review the action of the county court in vacating a road is properly directed to the county clerk, whose duty it is to keep the records appertaining to said court. *Fisher v. Union County*, (1903) 43 Or 223, 72 P 797.

The clerk cannot be held liable for failure to docket a deficiency judgment if no order for such a judgment was ever made. *Lane v. Beveridge*, (1931) 135 Or 559, 296 P 872.

Refusal of the clerk to docket an instrument that purports to be judgment may render him in contempt of court, even though it is in reality a mere order that it is not entitled to be docketed. *State v. Tolls*, (1938) 160 Or 317, 85 P2d 366, 119 ALR 1370.

FURTHER CITATIONS: *Neal v. Haight*, (1949) 187 Or 13, 206 P2d 1197.

ATTY. GEN. OPINIONS: Authority of county clerk to acknowledge deeds, mortgages and other instruments, 1926-28, p 519; duty of county clerk as to making record searches at request of mortgage companies for chattel and crop mortgages, 1932-34, p 87; authority of county clerk to audit claims against county, 1934-36, p 277; drawing county warrants, 1958-60, p 320; destruction of jurors' certificates and sign-in sheets, 1960-62, p 401; controlling payment of claims against the county, (1969) Vol 34, p 493; duty to prepare cost account for roads, (1970) Vol 35, p 1.

#### 205.130

ATTY. GEN. OPINIONS: Discretion of county clerk to determine right of abstracters to examine instruments before completion of recordation, 1936-38, p 288; authority to delegate recording duties to unofficial persons, 1938-40, p 149; indexing trust deeds, 1960-62, p 288; recording a "Notice of Sale," (1968) Vol 34, p 172.

#### 205.160

ATTY. GEN. OPINIONS: Indexing trust deeds, 1960-62, p 288.

#### 205.230

ATTY. GEN. OPINIONS: Duty of clerk as mandatory, 1948-50, p 13; tender of fee as prerequisite of lien searches, 1952-54, p 141.

#### 205.320

##### NOTES OF DECISIONS

Failure to collect the fee at the time an instrument is filed does not invalidate it. *Charles K. Spaulding Logging Co. v. Ryckman*, (1932) 139 Or 230, 6 P2d 25.

A duly filed claim of mechanics' lien is not nullified by failure to pay the whole of the fee at the time of filing, if the total was then unknown and the balance was paid thereafter. *Id.*

ATTY. GEN. OPINIONS: Fees for recordation of certificate of water rights, 1948-50, p 330; collection of fees for certification of day, hour and minute of an instrument, 1952-54, p 210; fee for recording and indexing assignment covering thirty real property mortgages, 1964-66, p 145; fee to record inheritance tax receipts, 1964-66, p 349; duty of state agencies to pay trial and reporter fees, 1966-68, p 257; fee for handling support payments, (1971) Vol 35, p 454; fee for handling support payments received or sent under the Uniform Reciprocal Enforcement of Support Act, (1971) Vol 35, p 773.

#### 205.340

##### NOTES OF DECISIONS

An award of compensation for indexing records already made is void, if the constitutional limit of indebtedness has been exceeded at the time the warrant was issued. *Municipal Sec. Co. v. Baker County* (1898) 33 Or 338, 54 P 174.

ATTY. GEN. OPINIONS: Fee for recording and indexing assignment covering 30 real property mortgages, 1964-66, p 145.

#### 205.350

ATTY. GEN. OPINIONS: Authority to charge additional fee, 1962-64, p 150.

#### 205.360

CASE CITATIONS: *United States Nat. Bank v. Underwriters at Lloyd's, London*, (1964) 239 Or 298, 382 P2d 851, 396 P2d 765.

#### 205.400

ATTY. GEN. OPINIONS: Recordation of sheriff's certificates of sale, 1930-32, p 616; game commission as required to pay recording fees to county clerks, 1940-42, p 313; payment for certified copies of public records by federal agencies, 1942-44, p 111; payment to counties for services to state agencies, 1948-50, p 118; payment to counties for services to state agencies, 1958-60, p 202.

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**205.510**

ATTY. GEN. OPINIONS: Statute applicable to deputy county clerk, 1922-24, p 444; county clerk acting as an executor, 1946-48, p 264.