

FILE

Subject



STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER  
Attorney General

March 8, 1974

Opinion No. 74-81

Ms. Helen Leuszler  
Register of Deeds  
Osage County Courthouse  
Lyndon, Kansas 66451

Dear Ms. Leuszler:

You request our opinion concerning the proper charge for recording a deed and a consent.

K.S.A. 1972 Supp. 28-115 prescribes the fees to be charged by the register of deeds. In pertinent part it provides:

"The register of deeds of the several counties of the state shall charge and collect the following fees for his services:

For recording deeds, mortgages, or other instruments of writing, for first page...	...\$3.00
For second page and each additional page	... 1.00

To be valid a consent must accompany any deed that is filed according to the Declaration of Restrictions in MISC 39-190 concerning the Pomona Heights subdivision. A consent is therefore an integral part of the deed and as such must, in our opinion, be considered as a second or additional page to the deed. Your charge for recording the deed and consent must be four dollars (\$4.00). That is, three dollars for the deed and one dollar for each additional page.

We regret the great delay in responding to your question, but hope this opinion will be helpful to you in the future.

Yours very truly,

Handwritten signature of Vern Miller in cursive.

VERN MILLER  
Attorney General

VM:JRM:jsm