

COUNTY OFFICERS: Section 137.117, VAMS, requires that the county
COUNTY RECORDER: recorder furnish a description of property conveyed
COUNTY ASSESSOR: in terms of sections or fractional parts of sections,
or by subdivisions, lots or parcels where subdivided
into such unit and plat is duly recorded. If description cannot be
furnished on the basis of these units then the recorder must furnish
the assessor with a description which will enable the assessor to
locate the property. The description furnished must contain the number
of acres transferred when it is given in the instrument, together with
the names of the grantor and grantee, the consideration paid and the
book and page where the deed is recorded.

February 2, 1960



Honorable C. J. Hulen, Jr.
Prosecuting Attorney
Randolph County
Moberly, Missouri

Dear Mr. Hulen:

As stated by our letter of September 15, 1959, the question posed by your recent inquiry requested that Section 137.117, VAMS, as amended, be analyzed to determine whether the county recorder must furnish the county assessor a complete description of all real estate transferred. Your original inquiry pertaining to Section 137.132, RSMo Cum. Supp., 1957, on the same subject, reads:

"Would you please advise me as to whether or not Subsection 3 of Section 137.132 of Revised Statutes of the State of Missouri, requires the Recorder of Deeds in counties of the 3rd class to furnish the Assessor of his county with a legal description of the real estate transferred, if such description is available to him, or if it requires the Recorder of Deeds to furnish the Assessor with the description on the instrument of transfer or if it merely requires the Recorder of Deeds to furnish the Assessor a brief description of the real estate transferred."

As you know, Section 137.132, supra, was revised and renumbered during the last legislative session and is now Section 137.117, VAMS, as amended, and reads:

"The circuit clerk and ex officio recorder of deeds of each county of the fourth class and of each county of the third class wherein the offices are combined, and the recorder of deeds of each county of the third class wherein the offices are separate, shall furnish the county

Honorable C. J. Hulen, Jr.

assessor of his county, or the township assessors in counties with township organization, on or before the fifteenth day of each month a true and complete list of all real estate transfers completed in the county or townships, in counties with township organization, during the preceding month. The list so furnished shall contain the following information relating to each transfer:

"(1) The names of the grantor and grantee:

"(2) The consideration paid:

"(3) A description of the real estate transferred by the smallest legal subdivisions, or by smaller parts, lots or parcels, if sections and the subdivisions thereof are subdivided into parts, lots or parcels as shown by plat duly recorded and if not so subdivided then by such description as will enable the assessor to find it, together with the number of acres transferred, and

"(4) The book and page number where each deed is recorded. Laws 1955, p. 834, §1, renumbered and amended Laws 1959, p __, H.B. No. 108, §1 (§137.132)."
(Emphasis ours)

More particularly we are concerned with subsection (3) of this section relating to the description of the property transferred, however, subsections (1) and (4) also have a bearing on our determination. Note that subsection(3) of this section makes two requirements in the alternative as to the description furnished, i.e., that a description be furnished of the smallest legal subdivision that such lands have been divided into or, if it has not been so subdivided, then a sufficient description must be furnished so that the assessor can find the land.

The first alternative under this subsection indicates that the recorder is required to furnish only a description of the smallest unit into which the land has been subdivided and as shown by a recorded plat. This would, of course, mean that where the description in the instrument transferring such real estate is described in terms of sections or fractional parts of sections, or by parts, lots or parcels, where a plat has been duly recorded, such description would constitute a description that must be used by the recorder in describing the property transferred.

Honorable C. J. Hulen, Jr.

If, on the other hand, property has not been so divided then the description given in the instrument need not be given in full, unless the assessor could not otherwise locate the property. The criteria of description, where land has not been so described or divided, then becomes such a description as will enable the assessor to locate the property.

Either type of description requires in addition, the number of acres conveyed, where the acres are a part of the description in the instrument, together with the names of the grantor and grantee, as required by subsection 1, of Section 137.117, VAMS, and the book and page where such instrument is recorded, as required by subsection 4 of Section 137.117, VAMS. This section also requires by subsection 2, that the consideration paid be furnished to the assessor.

Conclusion

Therefore, it is the conclusion of this office that by the terms of Section 137.117, VAMS, the county recorder is required to give the county assessor a description of property transferred in terms of sections, or fractional parts of sections, or by parts, lots or parcels where a plat has been duly recorded or if the property may not be so described, then the description need not be given in full, unless the assessor could not otherwise locate the property. Where either form of description is given, the number of acres must be furnished as a part of the description if the number of acres has been given in the instrument. In addition, Section 137.117, VAMS, also requires that the name of the grantor or grantee, the consideration paid, and the book and page where the instrument is recorded, be furnished by the recorder to the assessor.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Jerry B. Buxton.

Yours very truly,

John M. Dalton
Attorney General

JBB:mw