

429.

APPROVAL, NOTES OF SALTICK TOWNSHIP RURAL SCHOOL DISTRICT, PERRY COUNTY, OHIO—\$957.00.

COLUMBUS, OHIO, March 31, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

430.

APPROVAL, NOTES OF VIRGINIA TOWNSHIP SCHOOL DISTRICT, COSHOCTON COUNTY, OHIO—\$4,095.00.

COLUMBUS, OHIO, March 31, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

431.

CHATTEL MORTGAGE—COUNTY RECORDER NOT REQUIRED TO SEARCH FOR PRIOR LIENS WHEN MORTGAGE DEPOSITED.

SYLLABUS:

The mortgagee of a chattel mortgage cannot require the county recorder to search the chattel mortgage files and make a statement as to the existence of prior liens upon property covered by a chattel mortgage deposited for filing, no such duty having been imposed upon the recorder by statute.

COLUMBUS, OHIO, April 1, 1933.

HON. PAUL A. FLYNN, *Prosecuting Attorney, Tiffin, Ohio.*

DEAR SIR:—I have your letter of recent date which reads as follows:

“Certain mortgagees filing chattel mortgages with the Recorder of Seneca County have requested that a search of the chattel mortgage records be made by the recorder before filing the mortgage, to ascertain whether or not there are any liens upon the mortgaged property. They have requested that the result of the search be noted by the recorder upon a form prepared for that purpose. If prior mortgages have been filed, the items of the names of the mortgagees, the date of filing, and the property mortgaged are to be shown upon the form supplied, and if there are no prior liens, the recorder has been requested to write the word ‘none’ upon the form.

Our county recorder has inquired as to whether or not a recorder may be compelled to furnish such information, and if so, whether or not she is liable for any mistake or error which might occur in such a report.