

3756.

PASTING OF A PLAT IN A DEED BOOK IN COUNTY RECORDER'S OFFICE IS NOT A PROPER RECORDING OF SUCH PLAT—SECTION 2759 G. C. CONSTRUED.

SYLLABUS:

The mere pasting by the margin thereof of a plat in a deed book in a county recorder's office is not a proper recording of such plat as required by section 2759 G. C.

COLUMBUS, OHIO, October 27, 1926.

HON. C. B. McCLINTOCK, *Prosecuting Attorney, Canton, Ohio.*

DEAR SIR:—This will acknowledge receipt of yours of recent date in which you submit for our consideration an inquiry, in substance, as follows:

A certain map or plat was prepared in accordance with section 3517 G. C. and filed with the county recorder for record; whereupon the county recorder at the request of the person filing the same, pasted it into one of the deed records. The map itself is about three feet square and has been pasted into the book by attaching about one inch of the upper right hand part thereof to one of the pages of the deed record, the balance of the map being folded and tucked into the book.

Question: Does the course outlined by the facts above constitute a proper recording of the surveyor's map referred to in section 3517 G. C.?

Your inquiry requires an analysis of section 2759 G. C., which reads as follows:

"The county recorder shall record in the proper record in a fair and legible handwriting, typewriting, or printing, all deeds, mortgages, or other instruments of writing required by law to be recorded, presented to him for that purpose. They shall be recorded in regular succession according to the priority of presentation, entering the file number at the beginning of such record. At the foot of the record of each instrument he shall record the date and precise time of day when it was presented for record."

The language of the above section "record in a proper record" by writing, typewriting or printing, certainly requires a more definite operation than merely pasting a plat in a deed book by the margin thereof. To record a plat by handwriting or otherwise is to inscribe an authenticated tracing thereof: (Standard Dictionary.) Furthermore, in the instant case, the plat in question was not recorded in a proper record when placed in a deed book.

Therefore, I am of the opinion that the pasting in a deed book by the margin thereof of a plat is not a proper recording thereof as required by section 2759 G. C.

Respectfully,
C. C. CRABBE,
Attorney-General.