



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**WAGGONER CARR
ATTORNEY GENERAL**

February 18, 1966

Honorable W. C. Lindsey
Criminal District Attorney
Jefferson County
Beaumont, Texas

Opinion No. C-620

Re: Construction of Article
1301a, Sec. 7, Vernon's
Civil Statutes, commonly
known as the Condominium
Act.

Dear Sir:

In your letter dated February 8, 1966, you requested an opinion from this office on substantially the following question:

May a County Clerk use one or more separate volumes, properly labeled and indexed, as a "well-bound book", for the recording of "Condominium Records" as required by Article 1301a, Sec. 7, Vernon's Civil Statutes?

Article 1301a, Section 7, provides in subsection (A) that "Every County Clerk shall provide a suitable well-bound book, to be called 'Condominium Records' in which will be recorded Master deeds, Master leases, or Declarations." Subsection (B) states that the declaration, as defined in the act, shall contain a legal description of the land, a general description of each apartment and each garage, etc., depicted by a plat. Subsection (C) provides for the recordation of such plats and instruments.

We view Section 7 as establishing a system or procedure for the registration of the condominium instruments mentioned with the intent of the Legislature to accomplish the purposes for which the recordation statutes were enacted. See 49 Tex.Jur.2d 341. The Legislature expressed this intent clearly in Section 2(n), Article 1301a, when it provided:

"(n) 'To record' means to record in the office of the County Clerk of the county in which the property is situated in accordance with the provisions of Title 115, Revised Civil Statutes of Texas, 1925, as amended."

In your request you state in essence that the procedure which the County Clerk proposes to use is two volumes in compliance with Sec. 7, Article 1301a, V.C.S.; one volume for the recording of the Master Deeds, Master leases, or Declarations and one volume for the recording of the Plats or Maps. One of these volumes is to be marked or labeled "Condominium Records - 1A" and the other "Condominium Records - 1B" with each of these volumes cross indexed. These volumes are to be of different sizes, commensurate with the instruments which are to be recorded therein.

Such a system as outlined in your request meets the requirements as set forth by the Legislature and is a reasonable and convenient method of complying therewith.

The fact that the language used in Section 7 (A) is drafted in the singular does not alter or prevent the use of one or more volumes to meet the purposes of registration or the requirement of Sec. 7, Article 1301a. Article 10 of Vernon's Civil Statutes clearly allows the singular to be construed in the plural and vice versa when it expressly provides:

"The following rules shall govern in the construction of all civil statutory enactments:

"

"4. The singular and plural number shall each include the other, unless otherwise expressly provided."

We find no express provision to otherwise limit this rule.

In view of the above statutory rule of construction and the language of the article involved together with the purposes sought to be accomplished by registration statutes generally, it is the opinion of this office that the County Clerk may in his discretion use one or more volumes, properly labeled and indexed, to meet the recording requirements of Article 1301a when such system adequately provides the public with notice and serves to prevent and suppress frauds.

S U M M A R Y

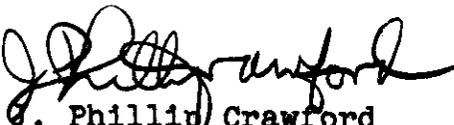
A County Clerk may in his discretion use one or more volumes, properly labeled and indexed, to constitute "a well-bound book" to meet the recording

Hon. W. C. Lindsey, page 3 (C- 620)

requirements of Article 1301a, V.C.S., when such system provides notice to the public and serves to prevent and suppress frauds.

Very truly yours,

WAGGONER CARR
Attorney General

By: 
J. Phillip Crawford
Assistant

JPC:ra

APPROVED:
OPINION COMMITTEE

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