

(Rules under section 8 of the Upper Myanmar Registration Regulation, 1897.)

No. 81

The 4th March 1908.

[Amendment : 18.06.1989]

No. 81.-In exercise of the powers conferred by section 8 of the Upper Myanmar Registration Regulation, 1897 (II of 1897), and with the previous sanction of the Governor-General in Council, the Lieutenant-Governor is pleased to make the following rules to regulate the registration of documents under that Regulation. The rules published in General Department Notification No. 102, dated the 23rd June 1898, as amended by General Department Notification No. 258, dated the 5th December 1900, and General Department Notification No. 247, dated the 17th October 1902, are hereby superseded.

Rules under section 8 of the Upper Myanmar Registration Regulation, 1897.

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(a) To define the time, place, and mode of presenting documents for registration and the contents of and annexures to such documents.

1. Every document to be registered under these rules shall be presented to the Registering Officer for registration within four months from the date of its execution:

Provided that, where there are several persons executing a document at different times, the document may be presented for registration and re-registration within four months from the date of each execution:

Provided also that whenever a Registration office is closed on the last day of any period provided in these rules for the presentation of any document, such last day shall, for the purposes of this Rule, be deemed to be the day on which the office re-opens:

Provided also that a will may at any time be presented for registration.

2. If, owing to urgent necessity, or unavoidable accident, any document is not presented for registration till after the expiration of the time hereinbefore prescribed, the Registering Officer, in cases in which the delay in presentation does not exceed four months, may direct that, on payment of a penalty not exceeding ten times the amount of the proper registration fee, the document shall be accepted for registration.

3. Every document which affects immoveable property shall be presented for registration in the Registration office for the local area in which the whole or a part of the property to which the document relates is situate. Every document which does not affect immoveable property may be presented for registration in the Registration office for the local area in which the document was executed, or at any other Registration office in Upper Myanmar at which all the persons executing and claiming under the document desire the same to be registered. But a Registering Officer may, on special cause being shown, attend at the residence of any person desiring to present a document for registration and accept for registration such document.

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4. Every document to be registered under these rules shall be presented by some person executing or claiming under the same or by the representative or assign of such person, or by the agent of such person, representative, or assign duly authorized by power-of-attorney.
5. Subject to the provisions of Rule 8, no document relating to a house or to land not in a town shall be accepted for registration unless the following particulars are embodied therein, namely:-
- (i) the name (if any) of the house or land;
 - (ii) the district, township and village in which such house or land is situate;
 - (iii) in case of land only, the area;
 - (iv) the roads and other properties on which such house or land abuts;
 - (v) the name of the present occupier (if any); and
 - (vi) in the case of land which has been cadastrally surveyed and of which survey maps from which extracts may be obtained exist, either-
 - (A) a reference to a certified extract from the kwin or other map in which such land is shown attached to the document itself and bearing the signatures of all the parties executing the same, or
 - (B) the name and number of the kwin in which the land is situate, and the holding number or, where such land forms part only of a holding, the field numbers given to such land in the latest completed kwin map of which extracts were available at the time of execution of the document, together with the year of the map.

Where these particulars are embodied in the document, no extract from the kwin or other map need be attached thereto.

6. No document containing a map or plan of any property comprised therein shall be accepted for registration unless it be accompanied by a true copy of the map or plan.
7. Subject to the provisions of Rule 8, no document relating to lands or houses in towns shall be accepted for registration unless such land or houses are described therein as situated on the north or other side of the specified street or road to which they front, if any, and by their existing and former occupancies and, if the houses in such street or road are numbered, by their numbers.
8. If the particulars required by Rules 5 and 7 are not embodied in the document, but the land or house to which the document relates is otherwise sufficiently described to the satisfaction of the Registering Officer, he may register the same, but he shall in such case append a note specifying the omitted particulars and stating whether the parties admit such particulars to be correct or not.
9. (1) The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure, or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure, or alteration. If the register such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.
- (2) If any document is in a language which the Registering Officer does not understand and which is not Myanmar, he shall refuse to register the document unless it is accompanied by a true translation into Myanmar and also by a true copy. If such translation and true copy are furnished, the translation shall be transcribed, as if it were an original document, in the appropriate register book. The requisite endorsements and certificates shall be entered on the original, and the translation and true copy shall be filed in the Registration office with appropriate notes thereon referring to the page of the register book where the translation is transcribed.
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10. On the presentation of a document for registration the Registering Officer shall satisfy himself-
- (i) that it has been presented at the proper office (Rule 3);
 - (ii) that it bears the proper stamp, whether as an original counterpart or duplicate or that it is exempt from stamp duty;
 - (iii) that it is in one of the languages commonly used in the district or, if not, that it is accompanied by a translation and a true copy (Rule 9);
 - (iv) that in the case of interlineations, Rule 9 has been complied with;

- (v) that, if the document refers to immoveable property, the description is sufficient (Rules 5, 6, 7 and 8);
- (vi) that it has been presented within the proper time (Rules 1 and 2);
- (vii) that it has been presented by a person authorised to do so (Rule 4);

If these requirements are satisfied, a certificate quoting the sections under which the document is admitted to registration shall be entered on the face of the document according to one or other of the forms given in Appendix A.

- (b) To regulate the duties and powers of Registering Officers and specify the cases in which such officers may enforce the appearance of executants and witnesses.

11. A Registering Officer shall not register a document presented under these rules unless the persons executing the document, or their representatives, assigns, or agents duly authorized by power-of-attorney appear before him within the time allowed by the foregoing rules, and admit the execution of the document:

Provided that, if the Registering Officer is satisfied that any party to a document is unable or refuses to appear, and the presence of such party cannot conveniently be procured he may register the document even though all the parties have not appeared. In every such case the Registering Officer shall record a note of the circumstances on the document.

12. If a document, which has been duly presented under these rules and which the Registering Officer has refused to register, be again duly presented for registration within thirty days after the passing of a decree directing that a document be registered in such office, the Registering Officer shall obey such decree and shall, so far as may be practicable, follow the procedure prescribed by these rules.

13. If all the persons, or their representatives, assigns, or agents authorized as aforesaid, appear before the Registering Officer, and if all admit the execution of the document, the Registering Officer shall register the document:

Provided that a Registering Officer, if he is satisfied after enquiry that a document presented for registration has been duly executed, may register the same even if all the parties to it have not admitted execution. In every such case the Registering Officer shall record a note of the circumstances on the document.

14. Registration of a document shall be effected by the Registering Officer writing on it the endorsements set forth in Appendices A, B and C to these rules, or words as nearly as may be to the effect of those

endorsements, and causing the document to be copied into the appropriate Register Book as prescribed in Rule 18.

15. All endorsements shall be made in red ink excepting signatures, which shall be written in black ink.
16. When there is not room in a document for the necessary endorsements, they may be made on a separate sheet of strong foolscap paper, which shall be supplied by Government, and attached to the document, a note being at the same time made on the document itself and signed by the Registering Officer. Every piece of paper so added shall be signed and dated by the Registering Officer.
17. If the document occupies more than one sheet, the Registering Officer shall sign the first page of each sheet and over his signature shall record the words: "For endorsement see page .". The page or pages shall be numbered and initialled by the Registering Officer.
18. Every Registering Officer shall keep the following books for the registration of documents:-
 - Book No. 1.-Register of non-testamentary documents relating to immoveable property.
 - Book No. 2.-Record of reasons for refusal to register.
 - Book No. 3.-Register of wills and authorities to adopt.
 - Book No. 4.-Miscellaneous register.The form of Register Books Nos. 1, 3 and 4 is given in Appendix D to these rules and of Register Book No. 2 in Appendix E.
 - In Book No. 1 shall be entered all documents which relate to immoveable property, and are not wills.
 - In Book No. 4 shall be entered all documents which do not relate to immoveable property, and are not wills.
19. The pages of each Register Book shall be numbered, and each page shall be initialled by the Registering Officer. The number of pages in each book shall be certified on the inside of the cover by the Officer by whom such books are issued.
20. Register Books Nos. 1, 3 and 4 shall have two margins. On the left-hand margin shall be copied in red ink the value of the stamp, and all endorsements made in the office. In the centre shall be copied the deed itself in black ink, and the right-hand margin shall be left vacant for-
 - (i) notes regarding interlineations, blanks, erasures, or alterations, under Rule 23, and
 - (ii) a note of the presentation of any supplementary document rectifying errors or omissions.

21. Every entry made in the Register Books shall be an exact counterpart of the original and shall be carefully compared with it; all interlineations, blanks, erasures or alterations which appear in the original shall be shown in the copy entered in the register.
22. The Registering Officer shall also see that the entry has been made in the book to which it properly belongs, that the number affixed to it is that which it ought to bear in order to maintain the consecutive series for the calendar year (i.e., from 1st January to 31st December in each year), and that the book, the volume, and the page entered in the certificate of registration are correctly stated. He shall then write his initials close to the page number on each page of the register book and shall certify the copy of the document and endorsements to be a true copy of the original by writing the words "True copy" below the signature of the copyist and by legibly affixing his signature in full, his official designation and the date below such certificate.
23. No erasures shall be made with a knife in any Register Book, but mistakes shall be corrected, when necessary, with the pen. The Registering Officer shall authenticate all interlineations, blanks, erasures or alterations in the copy of every document and the endorsements thereon in the register whether due to errors on the part of the copyist or reproduced from the original by writing his initials in red ink at the beginning and at the end of every such interlineation, blank, erasure or alteration, or in the case of each interlineation, blank, erasure or alteration which affects continuously more than one line of the copy, at the beginning and at the end of every line so affected. He shall also note in the right-hand margin of the Register Book against each such correction the words "Copyist's error" when the correction is a rectification of a copyist's error, and "Thus in original" if the correction is reproduced from the original, and shall authenticate every such entry by his initials.
24. Copies of maps or plans shall be authenticated by the signatures of the persons executing the documents or their agents and shall be pasted on to the inner margin, i.e., that nearest the binding of the next page of the Register Book after that on which the document is copied. The original maps or plans attached to the documents shall at the time of registration be signed and sealed by the Registering Officer. The copies shall be signed and sealed by the Registering Officer, whose signature shall be so entered as to be partly on the map and partly on the page to which it is pasted in order that removals may be detected. Copies of maps and plans shall not be pasted to the outer margins of the register.
25. The stamp-vendor's endorsement on each document, if there is one, shall be copied in red ink in the Register Book in the centre of the page, below the copy of the document itself.

26. All the documents registered in each Register Book shall be numbered in a consecutive series beginning from the 1st January in each year.
27. The Registering Officer shall satisfy himself that every document presented for registration under these rules has been duly stamped in accordance with the provisions of the Indian Stamp Act, 1899, and shall refuse to register an insufficiently or improperly stamped document.
28. Certificates of sale of immoveable property which are sent to the Registering Officer by Civil Courts or Revenue Officers shall be pasted in the order in which they are received into a blank book styled Supplementary Register Book No. 1. The Registering Officer shall endorse on each certificate the date on which it was received with his signature and the seal of the office. The certificates shall be numbered consecutively from the 1st January in each year, but in a separate series from those of documents copied into Register Book No. 1.
29. Documents shall be inserted in Supplementary Register Book 1 by being pasted on the lower side (that is, the side not bearing the page number) of the numbered butts, and the Registering Officer shall write the words "Received from on the " over his signature and the date, and shall affix the seal of the office so that the words, signature and seal may be partly on the butt and partly on the document attached thereto.
30. The volumes of each Register Book and index shall be numbered consecutively in a separate series and the number shall not terminate with the calendar year, but shall run on perpetually.
- For the purposes of this Rule, supplementary volumes of Book No. 1 shall be deemed to be separate Register Books and shall each be numbered in a separate series.
31. When a volume of any of the Register Books is closed the words "Volume closed this day" shall be inscribed in red ink at the bottom of the last entry in the volume, and words "Certified that this volume being No. of Register Book No. contains documents copied on pages to both inclusive" shall be inscribed at the top of the written portion of the first page of the volume which contains entries. These certificates shall not be written on the fly leaves and shall be signed and dated with his own hand by the Registering Officer.
32. Every Registering Officer shall keep the following indexes for the entry of the contents of the Register Books above-mentioned:-
- Index No. I (in the form given in Appendix F) shall contain the names and additions of all persons executing every document and of all persons claiming under every document registered in Book No. 1

or entered in Supplementary Book No. 1. Under the headings "Interest in the transaction" there shall be entered "buyer," "mortgagee," "decree-holder," etc., as the case may be.

Index No. II (in the form given in Appendix G) shall contain particulars of all immoveable property affected by every document registered in Book No. 1 or Supplementary Book No. 1.

Index No. III (in the form given in Appendix H) shall contain the names and additions of all persons executing every will and authority, registered in Book No. 3 and of the executors and persons, respectively, appointed thereunder and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

Index No. IV (in the form given in Appendix I) shall contain the names and additions of all persons executing and of all persons claiming under every document registered in Book No. 4. Under the heading "Interest in the transaction" there shall be entered "purchaser," "vendor," "pawnee," "decree-holder," etc., as the case may be .

(2) Indexes are supplied in loose sheets bearing all the letters of the alphabet printed on their lower margins. A Registering Officer desiring to employ one of such sheets for the purpose of indexing under any particular letter shall remove all the letters below the required index letter by cutting them out and shall cancel all those appearing above such required letter by drawing an ink line through them. The pages of each index shall be bound up when they are sufficiently numerous to form a volume. No index shall be paged otherwise than in pencil until it is bound. On the 31st December each year a line shall be drawn below the entries made during the year and the number of the following year shall be written across the page thus, in red ink and succeeding entries shall be made below this line.

33. The first letter of the name of the person shall be the guide to the letter under which the index entry is made in Indexes Nos. I, III and IV and not the first letter of the title on caste. In the case of Europeans, the name entered shall be the surname. In the case of Myanmar and names of persons of cognate rates, the final syllable or word (as the case may be) of the name shall be taken as the index name for the purpose of the Regulation, all the other syllables being treated as prefixes in the same way as European names, thus:-

Male $\left\{ \begin{array}{c} \text{မောင်} \\ \text{ကို} \\ \text{ညီ} \end{array} \right.$ Female $\left\{ \begin{array}{c} \text{မိ} \\ \text{မောင်} \\ \text{မ} \end{array} \right.$ } ရွှေသော် shall be entered as သော်။
(ကို or မ)ရွှေ

(N. B.-Care must be taken to distinguish between names of natives and their titles and caste names. Such prefixes as Aga, Hefiz, Haji, Munshi, Moulvi, Mulla, Malim, Nacoda, Mirza, Mir, Syed, Shaik, Gullam, in the case of Mahomedan males, and Bibi, Bu, Bay, in the case of Mahomedan females and such affixes as Beg, Khan, Shareef, are titles, not names. Occasionally Mahomedans have their father's name attached to theirs, e. g., Mahomed Musaji, i e., Mahomed, son of Musaji. In Hindu names the title or caste name, e.g., Alvi, Bania, Chetty, Chatri, Gwala, Pakan, Padiachee, Taven, Pillay Reddyar, Amballan, Odiyar, Servay, Naidu, Mudali, follow the person's name. Madrasis put the initials of their father's name and sometimes the name of their native place before their own names. Telugus place their house names before their own names.)

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34. In Index II the letter under which the index entry is made shall be the first letter of the word selected as follows:-

- (a) In the case of land (whether inclusive or exclusive of buildings on such land) situated in a large town, the name of the block or quarter shall be selected.
- (b) In the case of buildings situated in a large town, when the land on which such buildings stand is not affected, the name of the street shall be selected. When the street is known by a number, the number shall be written in words, e.g.,

Third Street. If the street has no name or number, the quarter or block may be selected.

- (c) In the case of property situated in a small town or village, the name of the town or village shall be selected.
- (d) In the case of agricultural holdings or other property not situated in a town or village, the name of the kwin in which the property is situated shall be selected.

The name which forms the guide to the index entry shall be the first entry in column 1 of the Index and shall be followed by the other particulars required such as:-

In (a) number of lot, and where the land affected forms part only of a lot, particulars regarding that part, e.g., "Southern half of lot No. 24;"

In (b) number of house in street or, where there is no house number, the lot number;

In (c) number of lot or house if any; and

In (d) number of holding and year of the kwin map in which the holding bears that number and, where the holding has a name, that name.

35. If more persons than one execute or claim under a document, their names shall not all be included in one entry in the Indexes Nos. I, III and IV; and if more places than one are mentioned in a document they shall not all be included in one entry in Index No. II, but each name shall be entered in the appropriate part of the index.

36. Whenever a Registering Officer refuses to register a document, he shall endorse on the document the words "Registration refused," with his signature, and, except when the document is impounded as insufficiently or improperly stamped, shall return the document to the person who presented it.

The Registering Officer shall also record his reasons in the Record of reasons for refusal to register (Book No. 2), and shall on application give a copy of the reasons so recorded to the person presenting the document free of charge.

37. A Registering Officer may review his own or his predecessor's order refusing to register a document within 60 days of passing the order. If the order passed in review lays down that the document may be registered, a copy of it shall forthwith be delivered to the person who presented the document for registration, who may present it for registration within thirty days of the date on which he received the order in review, whereupon the Registering Officer shall register it.

38. When a document is presented for registration, the Registering Officer shall, on payment of the fees hereinafter prescribed, give a receipt in the form given in Appendix J to the person presenting the document. After the document has been registered it shall be returned to the person who presented it, who shall then give back the receipt to the Registering Officer. The receipt shall then be pasted to the counterfoil.

39. The Registering Officer may, in his discretion, issue a summons, calling upon any person whose presence or testimony is necessary for the registration of any document, to appear at the Registration office, either in person or by duly authorized agent as in the summons may be mentioned, at a time named therein: Provided that any person who would be exempted from appearing before a Civil Court or any person who by reason of bodily infirmity is unable without risk to appear at the registration office or any person in jail under civil or criminal process shall not be so required to appear; but in any such case the

Registering Officer shall either himself go to the house of such person and examine him or issue a commission for his examination.

40. Whenever it is necessary to determine the value of any property for the purpose of Rule 47, the Registering Officer may examine any person as a witness, and may secure the attendance of that person in the manner provided in Rule 39.
41. The law in force for the time being as to summonses, commissions and compelling the attendance, of witnesses and for their remuneration, in suits before Civil Courts, shall mutatis mutandis apply to any summons or commission issued, and to any person summoned to appear under the provisions of these rules.
42. Every Registering Officer may at his discretion administer an oath to any person examined by him under the provisions of these rules.
43. A catalogue of all the Register Books and Indexes which are in use shall be kept in every Registration office in the form given in Appendix K. Blank books which have not been brought into use are not to be entered in the catalogue. On the occasion of every change of incumbency, the officer receiving charge shall compare the books and indexes still in use with the entries in the catalogue and certify in the latter that he has found them correct.
44. When a Register Book has been filled, it shall be kept for one year by the Registering Officer and shall then be sent for safe custody to the Registering Officer at the district headquarters, together with an extract from the indexes of all the entries relating to the book. All records shall be forwarded with a list which shall be signed by the officer at headquarters in token that he has received the records named therein and which shall then be returned to the Registering Officer who shall file it in his office. All indexes and catalogues (Appendix K) shall be kept in perpetuity by each Registering Officer in his own office.
45. (a) The undermentioned books shall be kept for three years after they are filled up, namely:-
- (i) Book of receipts for documents (Appendix J).
 - (ii) Book of receipts for fees for searches, copies, and visits or commissions (Appendix L).
 - (iii) Register of Fees (Appendix M).
- (b) Office copies of periodical statements, and correspondence concerning figures in periodical statements, reminders, chalans and trivial letters shall be kept for one year only.
- (c) Concerning other papers Registering Officers shall use their discretion.

(d) In the month of January in each year every Registering Officer shall cause a list of papers for destruction under the foregoing rules to be prepared. This list shall be shown to the superior officer on inspection of the office and he shall endorse his sanction thereon after ascertaining that the papers described in the list are ripe for destruction; the papers shall then be destroyed, the date of destruction being noted on the list against each item, and the list shall be preserved.

46. Subject to the previous payment of the fees prescribed in rule 47, Books Nos. 1 and 2 and the indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same, and copies of entries in such books shall be given to all persons applying for such copies. Inspection shall be made in the presence of the Registering Officer or of some subordinate appointed by him in this behalf and without writing materials.

Subject to the previous payment of the fees prescribed in Rule 47, copies of entries in Book No. 3 and in the index relating thereto shall be given to the persons executing the documents to which such entries, relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

Subject to the previous payment of the fees prescribed in Rule 47, copies of entries in Book No. 4 and in the index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative. The searches requisite under this rule for entries in Books Nos. 3 and 4 shall be made only by the Registering Officer.

All copies given under this rule shall be signed and sealed by the Registering Officer.

(c) To fix the fees payable for registration, searches, and copies, and the time when fees shall be payable.

47. Fees for registration, searches, and copies shall be paid at the rates specified in the following table:-

Fee payable.	
For registration	When the document affects
	property moveable or
	immoveable, four annas for every
	(a) Rs. 25 or part of Rs. 25 of the
	value of the right, title, or interest affected, subject to a maximum of

Rs.5.

When in other cases the amount
of the consideration is stated in
the document, four annas for
(b) every Rs. 25 or part of Rs.25 of
such amount subject to a
maximum of Rs. 5.

(c) In all other cases, Re. 1.

For searches or	...	For the first year, Re. 1; for every other year, four annas, subject to a maximum of
inspections		Rs. 5.

For copies	For every hundred words in Myanmar, one anna; for every hundred words in
		English, two annas.

For attendance at a		For attendance at a private residence for registration of any one document, Rs. 10.
private residence.		

For serving	...	The fees for serving summonses and other processes (not including commissions)
summonses		under the provisions of Rule 39, shall be regulated according to the scale in force in
		the Civil Court of lowest original jurisdiction in the same district.

For visits or	...	Before the Registering Officer proceeds under Rule 3 or Rule 39 to attend at the
commissions	(1)	residence of any person or to issue a commission to examine any person whose
		presence or testimony is necessary for the registration of any document there shall
		be paid a fee of Rs. 10 and travelling allowance at the following rates, namely:-

(a) in towns where the Hackney Carriage Act, 1879,
is in force, a fee equal to the fare from the
Registration office to the residence and back of
a hackney carriage of the best class of
carriages which daily ply for hire;

(b)

in other places, when the residence is within a radius of 5 miles from the Registration office, a fee of 6 annas a mile from the Registration office to the residence and back;

(c)

when the residence is more than 5 miles from the Registration office, a fee equal to the travelling allowance which the Registering Officer would receive from Government if travelling upon Government business.

(2)

In cases which fall under clause (a) the person who applies for the visit or commission shall on demand pay to the Registering Officer or Commissioner, on the departure from the residence, a fee equal to any fare which may have become due for the detention of the hackney carriage.

(3)

If a communication is issued to a non-official person, the fee for travelling allowance in cases such as that described in class (c) of sub-rule (1) shall be eight annas per mile or part of a mile.

48. Fees shall be paid in the case of registration, when the document is presented for registration; and in the case of searches or copies or for issue of a commission or for attendance at a private residence, when application is made for the search or copy or for such commission or attendance.
49. The Registering Officer shall grant a receipt in the form given in Appendix L for all fees received for searches or copies. All the fees received for registration, searches, copies, or attendance at a private residence shall be entered in a Register of fees in the form given in Appendix M and with the exception of a travelling allowance fees shall be at once credited in the treasury.

----- Footnote -----

[ပင်ရင်း- ၇.၃.၁၉၀၈ ရက်နေ့ထုတ် ပြန်တမ်းမှ ကူးယူတင်ပြသည်။]

----- Attachment -----

[ATTACH LIST 1] 01 APPENDIX A. Forms of Certificate of Admissibility (Rule 10). (1)

[ATTACH LIST 2] 02 APPENDIX C. Forms of Endorsement of Execution (Rule 13). (1)

[ATTACH LIST 3] 03 APPENDIX D. Register Books Nos. 1, 3, 4. (RULE 18.)

[ATTACH LIST 4] 04 APPENDIX G. Index No. II.-Immoveable property affected by documents in Book 1.
(RULE 32.)

[ATTACH LIST 5] 05 APPENDIX J. Receipt for document presented for registration and for fees.

[ATTACH LIST 6] 06 APPENDIX L. Receipt for fees for searches, copies and visits or commissions.