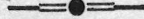


WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 45

(By Mr. Love)



PASSED February 21 1947

In Effect From Passage

43

ENROLLED

Senate Bill No. 45

(By MR. LOVE)

[Passed February 21, 1947; in effect from passage.]

AN ACT to amend section two, article eleven, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to the validation of instruments, acknowledgments and records.

Be it enacted by the Legislature of West Virginia:

That section two, article eleven, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 2. *Validation of Instruments, Acknowledgments and Records.*—No deed or other writing conveying or purporting to convey or release or assign real estate, or any interest therein, or to create any power of attorney relating to real estate or any interest therein, heretofore made or executed and delivered by any person or persons

7 **whomsoever**, or by a husband and wife to a bona fide
8 purchaser for good and valuable consideration, and ac-
9 knowledged by him or them before an officer duly au-
10 thorized by law to take such acknowledgments, if such
11 deed, writing or power of attorney was made, executed,
12 acknowledged and delivered prior to the day this act
13 takes effect, shall be deemed, held or adjudged invalid,
14 or defective, or insufficient in law or in equity, by reason
15 of any informality or omission in setting forth the par-
16 ticulars of the acknowledgment made before such officer
17 aforesaid in the certification thereof, or in stating the
18 official character of such officer, or the place of taking
19 the acknowledgment, or by reason of the fact that the
20 wife executed such instrument prior to the execution
21 thereof by the husband, or by reason of the fact that the
22 parties making or executing the instrument or writing,
23 or any of them omitted to seal the same; and if a period
24 of ten years has elapsed from date of recordation of any
25 deed, and said deed has an acknowledgment considered
26 defective for any reason then every such deed or writing
27 shall be as good, valid and effectual in law as if the law

28 with respect to acknowledgments and seals, in force at
29 the date of such deed or writing had been fully complied
30 with in regard to the matters hereinbefore mentioned;
31 and the record of the same duly made in the proper of-
32 fice for recording deeds in the state of West Virginia, or
33 in the state of Virginia before the formation of West Vir-
34 ginia, and exemplifications of the same duly certified,
35 shall be legal evidence in all cases in which the original
36 would be competent evidence; *Provided, however,* That
37 this section shall not apply to suits now pending and
38 undetermined insofar as it amends laws existing at the
39 time such pending suits were instituted, nor to any suit
40 that may be brought within one year after the day this
41 act takes effect, insofar as it amends laws existing at the
42 time this act takes effect; nor shall this section apply to
43 any deed or other writing which has heretofore been
44 declared or held invalid by any court of competent jur-
45 isdiction.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. McNear
Chairman Senate Committee

R. L. Matthews
Chairman House Committee

Originated in the Senate

Takes effect from passage.

Howard Myers
Clerk of the Senate

J. R. Lipp
Clerk of the House of Delegates

Arnold M. Tickers
President of the Senate

John E. Arnow
Speaker House of Delegates

The within Approved this the 26th
day of Feb, 1947.

W. S. O'Brien
Governor.



Filed in the Office of the Secretary of State
of West Virginia **FEB 26 1947**
WM. S. O'BRIEN,
SECRETARY OF STATE