WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

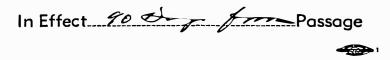
ENROLLED

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HOUSE BILL No. 132







Filed in the Office of the Secretary et of West Virginia_____MAR <u>11</u>1955 D. PITT O'BRI SECRETARY

ENROLLED House Bill No. 132

(By MR. MAXWELL)

[Passed March 7, 1955; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article eleven, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to curative provisions respecting deeds and other writings and the recordation thereof.

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, as amended, be amended and reenacted to read as follows:

Section 2. Validation of Instruments, Acknowledg-2 ments and Records.—No deed or other writing conveying 3 or purporting to convey or release or assign real estate, or 4 any interest therein, or to create any power of attorney 5 relating to real estate or any interest therein, heretofore 6 made or executed and delivered by any person or persons

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7 whomsoever, or by a husband and wife to a bona fide purchaser for good and valuable consideration, and 8 acknowledged by him or them before an officer duly 9 authorized by law to take such acknowledgments, if such 10 deed, writing or power of attorney was made, executed, 11 12 acknowledged and delivered prior to the day this act takes 13 effect, shall be deemed, held or adjudged invalid, or 14 defective, or insufficient in law or in equity, by reason 15 of any informality or omission in setting forth the particulars of the acknowledgment made before such officer 16 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 thereof by the husband, or by reason of the fact that the 21 parties making or executing the instrument or writing, 22 or any of them omitted to seal the same, or by reason of 23 24 the fact that the official taking the acknowledgment omitted his official seal, or by reason of the failure to set 25 26 forth the date of the deed or other writing or the date of 27 the acknowledgment in the certification thereof, or by

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reason of the failure to set forth correctly the date of the 28 29 deed or other writing or the date of the acknowledgment in the certification thereof; and if a period of ten years 30 31 has elapsed from the date of recordation of any deed or 32 other writing, and if said deed or other writing has an 33 acknowledgment considered defective for any reason, then 34 every such deed or other writing shall be as good, valid and effectual in law as if the law with respect to acknow-35 ledgments and seals, in force at the date of such acknowl-36 edgment had been fully complied with; and the record of 37 38 the same duly made in the proper office for recording deeds in the state of West Virginia, or in the state of Vir-39 ginia before formation of West Virginia, and exemplifica-40 tions of the same duly certified, shall be legal evidence in 41 all cases in which the original would be competent evi-42 43 dence: Provided, however, That this section shall not apply to suits now pending and undetermined insofar as it 44 amends laws existing at the time such pending suits were 45 instituted, nor to any suit that may be brought within one 46 47 year after the day this act takes effect, insofar as it amends 48 laws existing at the time this act takes effect; nor shall

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49 this section apply to any deed or other writing which has

50 heretofore been declared or held invalid by any court of

51 competent jurisdiction.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. Chairman Senate Committee Chairman House Committee Originated in the House of Delegates passage. Takes effect 90 tono force Clerk of the Senate Clerk of the House of Delegates President of the Speaker House of Delegates The within approved this the 10 day of March, 1955. Wil. Governor Elled in the Office of the Secretary of State Mart Missiple MAR 11 1000 of West Virginia D. PITT O'BRIEN SECRETARY OF STAT