## WEST VIRGINIA CODE: §38-16-501

## PART V. LIABILITY FOR FRAUDULENT COURT RECORD OR A FRAUDULENT LIEN.

## §38-16-501. Liability.

(a) A person may not make, present, or use a document or other record with:

(1) Knowledge that the document or other record is a fraudulent court record or a fraudulent lien or claim against real or personal property or an interest in real or personal property;

(2) Intent that the document or other record be given the same legal effect as a court record or document of a court created by or established under the Constitution or laws of this state or the United States, evidencing a valid lien or claim against real or personal property or an interest in real or personal property; and

- (3) Intent to cause another person to suffer:
- (A) Physical injury;
- (B) Financial injury; or
- (C) Mental anguish or emotional distress.
- (b) A person who violates subsection (a) is liable to each injured person for:
- (1) The greater of:
- (A) \$10,000; or
- (B) The actual damages caused by the violation;
- (2) Court costs;
- (3) Reasonable attorney's fees; and
- (4) Exemplary damages in an amount determined by the court.