

# WEST VIRGINIA CODE: §39-1-11

## **§39-1-11. Recordation of writings and plats and papers annexed; index; interlineations; filing under Uniform Commercial Code.**

Every writing (except financing, continuation, and termination statements and other statements and writings permitted to be filed under chapter 46 of this code) authorized by law to be recorded, when admitted to record, shall, with all certificates of acknowledgment, and all plats, schedules, and other papers thereto annexed or thereon indorsed, be recorded by, or under the direction of, the clerk of the county commission, in a well-bound book, to be carefully preserved; and there shall be an index to such book as well in the name of the grantee as of the grantor: Provided, That the county commission may, in accordance with the provisions of §5A-8-15 of this code, authorize the clerk to scan, record, and make available online when determined to be financially feasible by the county commission all such writings and papers in electronic form rather than in well-bound books, not prepare in separate books an index of any type, and replace existing well-bound books by scanning them in an approved electronic format: Provided, however, That existing well-bound books be retained either on-site or off-site unless the provisions of §5A-8-15 of this code are followed: Provided further, That any documents in an electronic format are stored on a server off site, such as a cloud-based server, to retain a backup copy of electronic documents.

After being recorded, such writing may be delivered to the party entitled to claim under the same. If, except in those cases where such writing is recorded by photography or similar process producing exact facsimile copies, there appear upon such writing, or any paper or certificate annexed thereto, any interlineation, erasure, or alteration, of which no memorandum is contained in the writing, paper, or certificate, the clerk shall append to the record thereof a memorandum describing as accurately as may be such interlineation, erasure, or alteration; and such memorandum shall be copied into every such writing, paper, or certificate. Every such memorandum shall be prima facie evidence of what is stated therein: Provided, That the clerk of the county commission may refuse to accept for recordation any instrument printed on both sides of the paper or printed in whole or part in smaller than 10-point type with at least two points separating each line. Any failure of such instrument to be so accepted by the clerk of the county commission shall not affect the validity thereof as to the parties thereto: Provided, however, That any such instrument shall be accepted by the clerk for recording at one and one-half times the legal fee therefor.

Financing, continuation, and termination statements and other statements and writings permitted to be filed under chapter 46 of this code shall be filed in a proper file by the clerk of the county commission or the Secretary of State, as the case may be, as specified in said chapter 46. Such statements and writings filed in the office of the clerk of the county commission and such statements and writings filed in the office of the Secretary of State shall be indexed according to the name of the debtor and shall disclose the assigned file

number and the address of the debtor given in the respective statement or writing. The date and hour of filing and the file number shall be noted on the statement or writing involved. A financing, continuation, or termination statement or other statement or writing permitted to be filed under chapter 46 of this code may, after the same ceases to be effective or lapses, as specified in said chapter 46, be removed from the files in the office of the clerk of the county commission or the Secretary of State, as the case may be, and destroyed.

WV Legislature