# WEST VIRGINIA CODE: §39-1-2

**§39-1-2. Conditions under which county clerk shall admit deeds, contacts, etc., to record.**

(a) The clerk of the county commission of any county in which any deed, contract, power of attorney, or other writing is to be, or may be, recorded, shall admit the same to record in the clerk's office, as to any person whose name is signed thereto, when it shall have been acknowledged by such person or proved by two witnesses as to such person before such clerk of the county commission.

(b) Notwithstanding the requirements of subsection (a) of this section:

(1) The clerk shall not admit to record any contract, deed, deed of trust, mortgage, or other instrument that secures the payment of any debt, unless such contract, deed, deed of trust, mortgage, or other instrument sets forth therein who, at the time of the execution and delivery thereof, is the beneficial owner of the debt secured thereby, and where he resides: *Provided*, That in the case of a mortgage or a deed of trust securing an issue of negotiable notes or bonds exceeding five in number and payable to bearer, it shall not be necessary that the mortgage or deed of trust show who are the beneficial owners of such notes or bonds, but in such case such mortgage or deed of trust shall show the name and address of the person or corporation with or by whom the notes or bonds have been, or are to be, first negotiated.

(2) The clerk shall not admit to record any quitclaim deed without consideration or any deed effecting the transfer of real property where the value of the property transferred is $100 or less for which no excise tax on the privilege of transferring real property on such instrument is paid under §11-22-1 *et seq*. of this code unless the instrument has been signed by the grantee thereon and acknowledged by the grantee or proved by two witnesses as to the grantee before such clerk of the county commission: *Provided*, That the clerk shall admit to record any transfer on death deed made pursuant to §39-12-1 *et seq*. of this code, and transfers between husband and wife, transfers between parent and child, transfers between parent and child and his or her spouse, transfers between grandparent and grandchild, or transfers between grandparent and grandchild and his or her spouse, which are without consideration or for consideration of less than $2,000, that have not been signed by the grantee thereon. Any deed recorded in violation of this section is void and no interest transfers to grantee under such recorded deed.

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