WEST VIRGINIA CODE CHAPTER 40 ARTICLE 1

WV Legislature

§40-1-1.

Repealed.

Acts, 1986 Reg. Sess., Ch. 166.

WV Legislature

§40-1-2.

Repealed.

Acts, 1986, Reg. Sess., Ch. 166.

WV Legislature

§40-1-3.

Repealed.

Acts, 1986 Reg. Sess., Ch. 166.

WV Legislature

§40-1-4.

Repealed.

Acts, 1986 Reg. Sess., Ch. 166.

WV Legislature

§40-1-5.

Repealed.

Acts, 1986 Reg. Sess., Ch. 166.

WV Legislature

§40-1-6.

Repealed.

Acts, 1986 Reg. Sess., Ch. 166.

WV Legislature

§40-1-7.

Repealed.

Acts, 1963 Reg. Sess., Ch. 193.

WV Legislature

§40-1-8. Effect of recording certain contracts as to creditors and purchasers; memorandum of lease may be recorded.

Any contract in writing made in respect to real estate or goods and chattels in consideration of marriage; or any contract in writing made for the conveyance or sale of real estate, or an interest or term therein of more than five years, or any other interest or term therein, of any duration, under which the whole or any part of the corpus of the estate may be taken, destroyed, or consumed, except for domestic use, shall, from the time it is duly admitted to record, be, as against creditors and purchasers, as valid as if the contract were a deed conveying the estate or interest embraced in the contract. In lieu of the recording of a lease pursuant to this section, there may be recorded with like effect a memorandum of such lease, executed by all persons who are parties to the lease and acknowledged in the manner to entitle a conveyance to be recorded. A memorandum of lease thus entitled to be recorded shall contain at least the following information with respect to the lease: The name of the lessor and the name of the lessee and the addresses of such parties as set forth in the lease; a reference to the lease, with its date of execution; a description of the leased premises in the form contained in the lease; the term of the lease, with the date of commencement and the date of termination of such term, and if there is a right of extension or renewal, the maximum period for which, or date to which, the lease may be extended, or the number of times or date to which it may be renewed and the date or dates on which such rights of extension or renewal are exercisable. Such memorandum shall constitute notice of only the information contained therein.

WV Legislature

§40-1-9. Contracts, deeds and mortgages invalid as to creditors and purchasers until recorded.

Every such contract, every deed conveying any such estate or term, and every deed of gift, or deed of trust or memorandum of deed of trust pursuant to section two, article one, chapter thirty-eight of this code, or mortgage, conveying real estate shall be void, as to creditors, and subsequent purchasers for valuable consideration without notice, until and except from the time that it is duly admitted to record in the county wherein the property embraced in such contract, deed, deed of trust or memorandum of deed of trust or mortgage may be.

WV Legislature

§40-1-10. When recordation in more than one county necessary.

Notwithstanding any such writing shall be duly admitted to record in one county wherein there is real estate, it shall nevertheless be void as to such creditors and purchasers in respect to other real estate without the same, until it is duly admitted to record in the county wherein such other real estate may be.

WV Legislature

§40-1-11.

Repealed.

Acts, 1963 Reg. Sess., Ch. 193.

WV Legislature

§40-1-12.

Repealed.

Acts, 1963 Reg. Sess., Ch. 193.

WV Legislature

§40-1-13. Priorities of writings admitted to record on same day.

Where two or more writings embracing the same property are admitted to record in the same county on the same day, if the previous sections do not provide for the case, that which was first admitted to record shall have priority in respect to the property in such county.

WV Legislature

§40-1-14. Construction of words "creditors" and "purchasers."

The words "creditors" and "purchasers," where used in this chapter, shall not be restricted to the protection of creditors of, and purchasers from, the grantor, but shall extend to and embrace all creditors and purchasers who, but for the deed or writing, would have had title to the property conveyed, or a right to subject it to their debts.

WV Legislature

§40-1-15. Purchaser not affected by record not in chain of title.

A purchaser shall not, under this article, or articles one, two and eleven, chapter thirty-eight of this code, be affected by the record of a deed or contract made by a person under whom his title is not derived; nor by the record of a deed or contract made by any person under whom the title of such purchaser is derived, if it was made by such person, and was recorded, before he acquired the legal title.

WV Legislature

§40-1-16. Certain sections not to apply to transfer or assignment of trust deed or mortgage.

The provisions of sections eight, nine, ten, thirteen, fourteen and fifteen of this article shall have no application to the transfer or assignment of any interest created by a trust deed or mortgage.

WV Legislature