WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

SENATE BILL No. 45

(By Mr. Love)

PASSED February 1, 1947

In Effect from Passage
AN ACT to amend section two, article eleven, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to the validation of instruments, acknowledgments and records.

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, be amended and reenacted to read as follows:

Section 2. Validation of Instruments, Acknowledgments and Records.—No deed or other writing conveying or purporting to convey or release or assign real estate, or any interest therein, or to create any power of attorney relating to real estate or any interest therein, heretofore made or executed and delivered by any person or persons
whomsoever, or by a husband and wife to a bona fide purchaser for good and valuable consideration, and acknowledged by him or them before an officer duly authorized by law to take such acknowledgments, if such deed, writing or power of attorney was made, executed, acknowledged and delivered prior to the day this act takes effect, shall be deemed, held or adjudged invalid, or defective, or insufficient in law or in equity, by reason of any informality or omission in setting forth the particulars of the acknowledgment made before such officer aforesaid in the certification thereof, or in stating the official character of such officer, or the place of taking the acknowledgment, or by reason of the fact that the wife executed such instrument prior to the execution thereof by the husband, or by reason of the fact that the parties making or executing the instrument or writing, or any of them omitted to seal the same; and if a period of ten years has elapsed from date of recordation of any deed, and said deed has an acknowledgment considered defective for any reason then every such deed or writing shall be as good, valid and effectual in law as if the law
with respect to acknowledgments and seals, in force at the date of such deed or writing had been fully complied with in regard to the matters hereinbefore mentioned; and the record of the same duly made in the proper office for recording deeds in the state of West Virginia, or in the state of Virginia before the formation of West Virginia, and exemplifications of the same duly certified, shall be legal evidence in all cases in which the original would be competent evidence; Provided, however, That this section shall not apply to suits now pending and undetermined insofar as it amends laws existing at the time such pending suits were instituted, nor to any suit that may be brought within one year after the day this act takes effect, insofar as it amends laws existing at the time this act takes effect; nor shall this section apply to any deed or other writing which has heretofore been declared or held invalid by any court of 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 Senate

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Approved this the 26th day of Feb., 1947.

Governor.

Filed in the Office of the Secretary of State of West Virginia FEB 26 1947

WM. S. O'BRIEN, SECRETARY OF STATE