

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 233

(By Mr. Byrd)

PASSED March 9, 1951

In Effect Ninety days from Passage



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Senate Bill No. 233

(By MR. BYRD)

[Passed March 9, 1951; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the recordation of writings and plats and papers annexed, index and interlineations, and providing that chattel deeds of trust may be filed and not recorded in a well-bound book.

Be it enacted by the Legislature of West Virginia:

That section eleven, article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 11. *Recordation of Writings and Plats and*
2 *Papers Annexed; Index; Interlineations.*—Every writing,
3 except chattel deeds of trust, authorized by law to be

4 recorded, when admitted to record, shall, with all cer-
5 tificates of acknowledgment, and all plats, schedules and
6 other papers thereto annexed or thereon indorsed, be
7 recorded by, or under the direction of, the clerk of the
8 county court, in a well-bound book, to be carefully pre-
9 served; and there shall be an index to such book as well
10 in the name of the grantee as of the grantor. After be-
11 ing so recorded, such writing may be delivered to the
12 party entitled to claim under the same. If there appear
13 upon such writing, or any paper or certificate annexed
14 thereto, any interlineation, erasure or alteration, of which
15 no memorandum is contained in the writing, paper or
16 certificate, the clerk shall append to the record thereof
17 a memorandum describing as accurately as may be such
18 interlineation, erasure or alteration; and such memo-
19 randum shall be copied into every such writing, paper
20 or certificate. Every such memorandum shall be prima
21 facie evidence of what is therein stated: *Provided, how-*
22 *ever,* That the clerk of the county court may refuse to
23 accept for recordation any printed instrument printed in
24 whole or in part in smaller than ten point type with at

25 least two points separating each line. Any failure of such
26 instrument to be so accepted by the clerk of the county
27 court shall not affect the validity thereof as to the parties
28 thereto: *Provided, further,* That any such instrument
29 shall be accepted by the clerk for recordation at two
30 times the legal fee therefor.

31 The clerk of the county court shall record chattel deeds
32 of trust in a well-bound book, when the principal amount
33 secured is in excess of two thousand dollars and the index
34 kept in his office shall give the names of the grantors,
35 beneficiary of the lien, date and hour of recording, book
36 and page number in which recorded, amount or principal
37 sum, and brief description of property conveyed: *Pro-*
38 *vided further,* That any chattel deed of trust, in which the
39 principal amount secured is two thousand dollars or
40 less, may at the discretion of the clerk be filed instead of
41 recorded, the index shall be the same as provided for re-
42 corded chattel deeds of trust, except that the same shall
43 indicate a filing number instead of a book and page num-
44 ber; provided that any such chattel deed of trust that has
45 been recorded in a well-bound book shall be returned to

46 the beneficiary named therein: *Provided further*, That
47 any such chattel deed of trust that is filed by the clerk
48 shall be retained by said clerk in a proper file kept in his
49 office: *Provided further*, That any chattel deed of trust
50 may after the lapse of a ten year period from the last
51 payment date provided therein be removed from the files
52 in the office of the clerk of the county court and at his
53 discretion be either destroyed or returned to the benefi-
54 ciary named therein. Interlineations, erasures or altera-
55 tions appearing in chattel deeds of trust or copies thereof
56 shall be dealt with the same as provided for other instru-
57 ments covered by this act.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Robert C. Byrd
Chairman Senate Committee

James M. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *Ninety days from* passage.

Howard Byler
Clerk of the Senate

J. R. Giff
Clerk of the House of Delegates

Samuel R. Houston
President of the Senate

W. E. Flamm
Speaker House of Delegates

The within *approved* this the *16th*
day of *March*, 1951.

Chas. S. Patton
Governor.



of West Virginia **MAR 16 1951**
D. PITT O'BRIEN,
SECRETARY OF STATE