WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 233

(By Mr. Byrd)

PASSED March 9, 1951

In Effect Ninety days from Passage
ENROLLED

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 Papers Annexed; Index; Interlineations.—Every writing, except chattel deeds of trust, authorized by law to be
recorded, when admitted to record, shall, with all cer-
tificates 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 court, in a well-bound book, to be carefully pre-
served; and there shall be an index to such book as well
in the name of the grantee as of the grantor. After be-
ing so recorded, such writing may be delivered to the
party entitled to claim under the same. If 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 memo-
randum shall be copied into every such writing, paper
or certificate. Every such memorandum shall be prima
facie evidence of what is therein stated: Provided, how-
ever, That the clerk of the county court may refuse to
accept for recordation any printed instrument printed in
whole or in part in smaller than ten 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
court shall not affect the validity thereof as to the parties
thereof: *Provided, further,* That any such instrument
shall be accepted by the clerk for recordation at two
times the legal fee therefor.

The clerk of the county court shall record chattel deeds
of trust in a well-bound book, when the principal amount
secured is in excess of two thousand dollars and the index
kept in his office shall give the names of the grantors,
beneficiary of the lien, date and hour of recording, book
and page number in which recorded, amount or principal
sum, and brief description of property conveyed: *Pro-
vided further,* That any chattel deed of trust, in which the
principal amount secured is two thousand dollars or
less, may at the discretion of the clerk be filed instead of
recorded, the index shall be the same as provided for re-
corded chattel deeds of trust, except that the same shall
indicate a filing number instead of a book and page num-
ber; provided that any such chattel deed of trust that has
been recorded in a well-bound book shall be returned to
the beneficiary named therein: *Provided further,* That
any such chattel deed of trust that is filed by the clerk
shall be retained by said clerk in a proper file kept in his
office: *Provided further,* That any chattel deed of trust
may after the lapse of a ten year period from the last
payment date provided therein be removed from the files
in the office of the clerk of the county court and at his
discretion be either destroyed or returned to the benefi-
ciary named therein. Interlineations, erasures or altera-
tions appearing in chattel deeds of trust or copies thereof
shall be dealt with the same as provided for other instru-
ments covered by this act.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Robert B. Byrd  
Chairman Senate Committee

James O. Forp  
Chairman House Committee

Originated in the Senate.

Takes effect Ninety days from passage.

Howard Hick  
Clerk of the Senate

R.R. Gill  
Clerk of the House of Delegates

President of the Senate

W.E. Lee  
Speaker House of Delegates

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

Oliver L. Patterson  
Governor

Of West Virginia  
MAR 16 1951
D. Pitt O'Brien,  
Secretary of State