WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1953

ENROLLED

HOUSE BILL No. 236

(By Mr. Knapp)

PASSED March 10, 1953

In Effect Ninety days from Passage
ENROLLED

House Bill No. 236

(By Mr. Knapp)

[Passed March 10, 1953; 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 recordation of writings and plats and papers annexed, index and interlineations.

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

2 Annexed; Index; Interlineations.—Every writing, except
3 chattel deeds of trust, authorized by law to be recorded,
4 when admitted to record, shall, with all certificates of
5 acknowledgment, and all plats, schedules and other papers
6 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 preserved; and there
shall be an index to such books as well in the name of the
grantee as of the grantor. After being so recorded, such
writing may be delivered to the party entitled to claim
under the same. If, except in those cases where such writ-
ing is recorded by photography or similar process produc-
ing exact facsimile copies, there appear upon such writing,
or any paper or certificate annexed thereto, any interline-
ation, 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 describ-
ing as accurately as may be such interlineation, erasure or
alteration; and such memorandum shall be copied into
every such writing, paper or certificate. Every such mem-
orandum shall be prima facie evidence of what is therein
stated: Provided, however, That the clerk of the county
court may refuse to accept for recordation any instrument
printed on both sides of the paper or printed in whole
or 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 thereto: Provided further, That any such instrument shall be accepted by the clerk for recordation at one and one-half 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 of principal sum, and brief description of property conveyed: Provided further, That any chattel deed of trust or any designated duplicate copy thereof, duly executed, 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 recorded chattel deeds of trust, except that the same shall indicate a filing number instead of a book and page number: 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 beneficiary named therein. Interlineations, erasures or alterations appearing in chattel deeds of trust or copies thereof shall be dealt with the same as provided for other instruments covered by this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect Ninety days 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 16th day of March, 1953.

Governor

Not in the Office of the Secretary of State

MAR 16 1953

D. Pitt O'Brien,
Secretary of State