

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953



ENROLLED

HOUSE BILL No. 236

(By Mr. Knapp)



PASSED March, 10, 1953

In Effect Thirty days from Passage



2008

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

7 under the direction of, the clerk of the county court, in
8 a well-bound book, to be carefully preserved; and there
9 shall be an index to such books as well in the name of the
10 grantee as of the grantor. After being so recorded, such
11 writing may be delivered to the party entitled to claim
12 under the same. If, except in those cases where such writ-
13 ing is recorded by photography or similar process produc-
14 ing exact facsimile copies, there appear upon such writing,
15 or any paper or certificate annexed thereto, any interline-
16 ation, erasure or alteration, of which no memorandum is
17 contained in the writing, paper or certificate, the clerk
18 shall append to the record thereof a memorandum describ-
19 ing as accurately as may be such interlineation, erasure or
20 alteration; and such memorandum shall be copied into
21 every such writing, paper or certificate. Every such mem-
22 orandum shall be prima facie evidence of what is therein
23 stated: *Provided, however,* That the clerk of the county
24 court may refuse to accept for recordation any instrument
25 printed on both sides of the paper or printed in whole
26 or part in smaller than ten point type with at least
27 two points separating each line. Any failure of such

28 instrument to be so accepted by the clerk of the county
29 court shall not affect the validity thereof as to the
30 parties thereto: *Provided further*, That any such instru-
31 ment shall be accepted by the clerk for recordation at
32 one and one-half times the legal fee therefor.

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

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

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

H. M. Curley
Chairman Senate Committee

C. H. Cumber
Chairman House Committee

Originated in the House of Delegates

Takes effect *Ninety days from* passage.

Howard Regan
Clerk of the Senate

J. F. Cliff
Clerk of the House of Delegates

Ralph Pearson
President of the Senate

C. E. Henry
Speaker House of Delegates

The within *approved* this the *16th*
day of *March*, 1953.

William C. Macland
Governor



FILED IN THE OFFICE OF THE SECRETARY OF STATE

OF THE VIRGINIA MAR 16 1953

D. PITT O'BRIEN,
SECRETARY OF STATE