

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953

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ENROLLED

SENATE BILL NO. 67

(By Mr. Nuckols)

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PASSED March 14 1953

In Effect July 1, 1953 Passage



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**Senate Bill No. 67**

(By MR. NUCKOLS)

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[Passed March 14, 1953; in effect July 1, 1953.]

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AN ACT to amend and reenact section ten, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to fees to be charged by clerk of county court.

*Be it enacted by the Legislature of West Virginia:*

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

Section 10. *Fees to be charged by Clerk of County Court.*—For the purpose of this section, the word “page” is defined as being a paper writing of not more than legal size, 8½” x 13”.

5 The clerk of the county court shall charge and collect  
6 the following fees:

7 When a writing is admitted to record, for receiving  
8 proof of acknowledgment thereof, entering an  
9 order in connection therewith, endorsing clerk's  
10 certificate of recordation thereon and indexing  
11 in a proper index, where the writing is a deed of  
12 conveyance, trust deed, lease, or power of attor-  
13 ney concerning real estate..... \$1.25

14 If such writing contains more than two pages, for  
15 each additional page, in counties where recording  
16 is done by photograph, fifty cents; and in coun-  
17 ties where recording is done by typewriter, and  
18 such writing contains more than one thousand  
19 words, three cents for each additional twenty  
20 words.

21 For recording a plat accompanying a deed or other  
22 writing ..... 1.00

23 If such plat contains more than one hundred  
24 twenty square inches, for each additional square  
25 inch ..... .007

26	For recording and indexing a map to be placed in	
27	map book .....	2.00
28	If such map contains more than one hundred	
29	twenty square inches, for each additional square	
30	inch .....	.007
31	For recording and indexing assignment.....	1.25
32	If such assignment contains more than one refer-	
33	ence to the record of property assigned, for each	
34	reference .....	.50
35	If such assignment does not give the reference to	
36	the record of property assigned, for search of	
37	record to determine such book and page.....	.25
38	If such assignment contains more than two pages,	
39	for each additional page.....	.50
40	For recording and indexing and noting release of	
41	lien .....	.50
42	If such release contains more than one reference	
43	to lien released, for each lien released thereby.....	.50
44	If book and page reference to lien released is	
45	omitted, for search of record to determine such	
46	book and page.....	.25

47	For filing or refiling and entering conditional sales	
48	contract .....	.75
49	For recording and indexing a satisfaction of a con-	
50	ditional sales contract .....	.50
51	For recording and indexing a certificate of incor-	
52	poration .....	1.25
53	If such certificate contains more than two pages,	
54	for each additional page.....	.50
55	For filing and indexing a certificate showing the	
56	name or names of a person or persons conduct-	
57	ing business under an assumed name.....	1.00
58	For certifying to the assessor a transfer of real	
59	estate under section four, article four, chapter	
60	eleven of this code.....	.50
61	For swearing the witnesses and entering in the	
62	order or minute book, all orders in relation to the	
63	proof of a will which is admitted to record with-	
64	out contest, and copying such order on the will	
65	or on a paper annexed thereto, when fully proved	
66	and but one order.....	2.00
67	If the will be but partially proved on one day, for	

68	the order and entering the same on the will or	
69	paper annexed thereto.....	.50
70	For each subsequent order and entering the same	
71	on the will or paper annexed thereto.....	.50
72	For the same services where there is a contest.....	5.00
73	For preparing notices in connection with contest, or	
74	any hearing, each notice.....	.50
75	For recording a will and the matter recorded there-	
76	with in the will book.....	1.00
77	If will and matter recorded therewith contains	
78	more than two pages, for each additional page.....	.50
79	For entering orders and transmitting papers in	
80	case of appeal.....	2.50
81	If such order and transmittal contains more than	
82	five pages, for each additional page.....	.50
83	If any personal representative or guardian qualify	
84	for administering necessary oaths, notating the	
85	bond, entering and copying on the will, order	
86	granting probate or administration, making out	
87	copy of such order for personal representative or	

88	guardian, entering and copying orders of ap-	
89	praisement .....	1.50
90	For each additional copy of qualification order.....	.50
91	If several personal representatives qualify on the	
92	same estate at the same time or term the same	
93	fee shall be charged as if one had qualified, to-wit	1.50
94	For entering and copying an order granting a li-	
95	cence under provisions of article twelve, chapter	
96	eleven, of this code.....	.50
97	For certificate for a license or endorsing assignment	
98	thereof .....	.50
99	For issuance of marriage license, for preparing the	
100	application and administering the oath, for regis-	
101	tering and recording the license, for mailing	
102	acknowledgment of minister's return to one of	
103	licensees, for notifying one of licensees after sixty	
104	days of the non-receipt of the minister's return....	2.00
105	One-half of the latter fee shall be paid by the	
106	county clerk into the state treasury as a state	
107	registration fee, in the same manner that license	

108	taxes are paid into the treasury under article	
109	twelve, chapter eleven, of this code.	
110	For search of anything in his office of over a year's	
111	standing, unless otherwise required by statute....	.25
112	For recording certificate and posting a copy thereof	
113	under the provisions of section two, article one,	
114	chapter thirty-four of this code.....	1.25
115	For docketing or redocketing under article three,	
116	chapter thirty-eight, of this code, a judgment,	
117	decree, bond or recognizance.....	.50
118	If such writing contains more than one page, for	
119	each additional page .....	.50
120	For recording and indexing an execution and	
121	noting the date of issuance and the date of filing	
122	of same upon the judgment record.....	1.00
123	For making out a transcript of the record and pro-	
124	ceedings in any case in due form so that the same	
125	may be used in appellate court such fee shall be	
126	the same as specified herein for recording.	
127	For making out, in any other manner than copying,	
128	any paper to go out of the office which is not	
129	otherwise provided for.....	1.00

130	If such paper contains more than two pages, for	
131	each additional page.....	.50
132	For any copy, if it be not otherwise provided for...	1.00
133	If such copy contains more than two pages, for each	
134	additional page .....	.50
135	For annexing the seal of the court to any paper,	
136	writing certificates of clerk accompanying it.....	.50
137	For writing a certificate of the president of the	
138	court or judge, when the clerk be required to do	
139	so .....	.50
140	For recording and indexing an inventory or sale	
141	bill .....	1.00
142	If such writing contains more than two pages, for	
143	each additional page .....	.50
144	For entering an order confirming the report of a	
145	fiduciary .....	.50
146	For recording and indexing such report and matter	
147	recorded therewith .....	2.00
148	If such report contains more than four pages, for	
149	each additional page .....	.50
150	For recording and indexing any bond required by	

151	law to be recorded, including the certificate or	
152	other evidence of its execution.....	1.00
153	If such bond and certificate contains more than two	
154	pages, for each additional page.....	.50
155	For recording and indexing a notice of mechanics	
156	lien .....	1.00
157	If such notice contains more than two pages, for	
158	each additional page .....	.50
159	For recording contract limiting liability of owner	
160	and bond of contractor to be filed therewith, as	
161	prescribed in article two, chapter thirty-eight of	
162	this code .....	1.25
163	If such contract and bond contains more than two	
164	pages, for each additional page .....	.50
165	For recording and indexing a notice of lis pendens..	1.25
166	If such notice contains more than two pages, for	
167	each additional page .....	.50
168	For recording a certificate of real estate claimed as	
169	a homestead .....	.50
170	For administering an oath not herein provided for,	

171 and writing a certificate thereof where the case  
172 requires one ..... .50  
173 For recording a writing containing pages in excess  
174 of legal size, 8½" x 13", additional fee for each  
175 page, where recording is by photograph..... .25  
176 For recording and indexing instruments not specifi-  
177 cally provided for herein ..... 1.25  
178 If such instrument contains more than two pages,  
179 for each additional page..... .50  
180 For recording anew any will, deed or other paper,  
181 the same fees herein provided for the original  
182 recording.  
183 For any service other than recording and indexing  
184 not specifically provided for, the same fee as a  
185 clerk of the circuit court for similar services.  
186 All acts or parts of acts in conflict herewith are  
187 hereby repealed.

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

*A. M. Kinley*  
Chairman Senate Committee

*C. H. Auebler*  
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1953 passage.

*Howard Meyer*  
Clerk of the Senate

*A. Bliff*  
Clerk of the House of Delegates

*Ralph Bean*  
President of the Senate

*W. E. Flannery*  
Speaker House of Delegates

The within approved this the 20th

day of March, 1953.

*William C. Marland*  
Governor.



FILED IN THE OFFICE OF THE SECRETARY OF STATE  
of West Virginia  
**MAR 20 1953**

**D. PITT O'BRIEN,**  
SECRETARY OF STATE