

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 132

(By Mr. Holden)



PASSED Mar 7 1955

In Effect 90 days from Passage



Filed In the Office of the Secretary of
of West Virginia. **MAR 11 1955**
D. PITT O'BRIEN
SECRETARY

ENROLLED
House Bill No. 132
(By MR. MAXWELL)

[Passed March 7, 1955; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article eleven, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to curative provisions respecting deeds and other writings and the recordation thereof.

Be it enacted by the Legislature of West Virginia:

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

Section 2. *Validation of Instruments, Acknowledg-*
2 *ments and Records.*—No deed or other writing conveying
3 or purporting to convey or release or assign real estate, or
4 any interest therein, or to create any power of attorney
5 relating to real estate or any interest therein, heretofore
6 made or executed and delivered by any person or persons

7 whomsoever, or by a husband and wife to a bona fide
8 purchaser for good and valuable consideration, and
9 acknowledged by him or them before an officer duly
10 authorized by law to take such acknowledgments, if such
11 deed, writing or power of attorney was made, executed,
12 acknowledged and delivered prior to the day this act takes
13 effect, shall be deemed, held or adjudged invalid, or
14 defective, or insufficient in law or in equity, by reason
15 of any informality or omission in setting forth the parti-
16 culars of the acknowledgment made before such officer
17 aforesaid in the certification thereof, or in stating the
18 official character of such officer, or the place of taking
19 the acknowledgment, or by reason of the fact that the
20 wife executed such instrument prior to the execution
21 thereof by the husband, or by reason of the fact that the
22 parties making or executing the instrument or writing,
23 or any of them omitted to seal the same, or by reason of
24 the fact that the official taking the acknowledgment
25 omitted his official seal, or by reason of the failure to set
26 forth the date of the deed or other writing or the date of
27 the acknowledgment in the certification thereof, or by

28 reason of the failure to set forth correctly the date of the
29 deed or other writing or the date of the acknowledgment
30 in the certification thereof; and if a period of ten years
31 has elapsed from the date of recordation of any deed or
32 other writing, and if said deed or other writing has an
33 acknowledgment considered defective for any reason, then
34 every such deed or other writing shall be as good, valid
35 and effectual in law as if the law with respect to acknow-
36 ledgments and seals, in force at the date of such acknowl-
37 edgment had been fully complied with; and the record of
38 the same duly made in the proper office for recording
39 deeds in the state of West Virginia, or in the state of Vir-
40 ginia before formation of West Virginia, and exemplifica-
41 tions of the same duly certified, shall be legal evidence in
42 all cases in which the original would be competent evi-
43 dence: *Provided, however,* That this section shall not ap-
44 ply to suits now pending and undetermined insofar as it
45 amends laws existing at the time such pending suits were
46 instituted, nor to any suit that may be brought within one
47 year after the day this act takes effect, insofar as it amends
48 laws existing at the time this act takes effect; nor shall

49 this section apply to any deed or other writing which has
50 heretofore been declared or held invalid by any court of
51 competent jurisdiction.

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 10
day of March, 1955.

[Signature]
Governor



Filed in the Office of the Secretary of State
of West Virginia **MAR 11 1955**

D. PITT O'BRIEN
SECRETARY OF STATE