

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

ENROLLED

SENATE BILL NO. 184

(By Mr. Moats.....)

PASSED February 23 1955

In Effect Same Passage



Filed in the Office of the Secretary of State
of West Virginia. **MAR 2 1955**

D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED

Senate Bill No. 184

(By Messrs. Martin and Moats)

[Passed February 23, 1955; in effect 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
2 Papers Annexed; Index; Interlineations.*—Every writing,
3 except chattel deeds of trust, authorized by law to be

4 recorded, when admitted to record, shall, with all certifi-
5 cates of acknowledgment, and all plats, schedules and
6 other papers thereto annexed or thereon indorsed, be re-
7 corded by, or under the direction of, the clerk of the
8 county court, in a well-bound book, to be carefully pre-
9 served; and there shall be an index to such book as well
10 in the name of the grantee as of the grantor. After being
11 so recorded, such writing may be delivered to the party
12 entitled to claim under the same. If, except in those cases
13 where such writing is recorded by photography or similar
14 process producing exact facsimile copies, there appear
15 upon such writing, or any paper or certificate annexed
16 thereto, any interlineation, erasure or alteration, of which
17 no memorandum is contained in the writing, paper or
18 certificate, the clerk shall append to the record thereof a
19 memorandum describing as accurately as may be such
20 interlineation, erasure or alteration; and such memoran-
21 dum shall be copied into every such writing, paper or
22 certificate. Every such memorandum shall be prima facie
23 evidence of what is therein stated: *Provided, however,*
24 That the clerk of the county court may refuse to accept

25 for recordation any instrument printed on both sides of
26 the paper or printed in whole or part in smaller than ten
27 point type with at least two points separating each line.
28 Any failure of such instrument to be so accepted by the
29 clerk of the county court shall not affect the validity
30 thereof as to the parties thereto: *Provided further, That*
31 any such instrument shall be accepted by the clerk for
32 recording at one and one-half times the legal fee therefor.

33 The clerk of the county court may at his discretion,
34 either record chattel deeds of trust in a well-bound book
35 or file the same. If the clerk elects to record chattel deeds
36 of trust in a well-bound book, the index kept in his office
37 shall give the names of the grantors, beneficiary of the
38 lien, date and hour of recording, book and page number
39 in which recorded, amount of principal sum, and brief
40 description of property conveyed. If the clerk elects to
41 file such chattel deeds of trust, the index shall be the
42 same as provided for recorded chattel deeds of trust, ex-
43 cept that the same shall indicate a filing number instead
44 of a book and page number: *Provided, That* any such
45 chattel deed of trust that has been recorded in a well-

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

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

[Handwritten Signature]
Chairman Senate Committee

[Handwritten Signature]
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

[Handwritten Signature]
Clerk of the Senate

[Handwritten Signature]
Clerk of the House of Delegates

[Handwritten Signature]
President of the Senate

[Handwritten Signature]
Speaker House of Delegates

The within approved this the 1 day of March, 1955.

[Handwritten Signature]
Governor.



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D. PITT O'BRIEN
SECRETARY OF STATE