

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 484

(By Mr. Ford and Mr. Buch)



PASSED March 9, 1963

In Effect July 15, 1964 Passage



Filed in Office of the Secretary of State  
of West Virginia 3-16-63

JOE F. BURDETT  
SECRETARY OF STATE

#484

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(By MR. FORD and MR. BUCH)

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[Passed March 9, 1963; in effect July 1, 1964.]

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AN ACT to amend and reenact section eleven, article one, chapter thirty-nine and sections two and ten, article one, chapter fifty-nine, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the recordation of writings, the index with respect thereto, the filing and removal of financing, continuation and termination statements and other statements and writings permitted to be filed under the uniform commercial code, the index with respect thereto, the fees to be charged by the secretary of state for certain services and the fees to be charged by the clerk of the county court for certain services.

*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, and sections two and ten, article one, chapter fifty-nine of said code, be amended and reenacted to read as follows:

### **CHAPTER 39. RECORDS AND PAPERS.**

#### **Article 1. Authentication and Record of Writings.**

**Section 11. Recordation of Writings and Plats and  
2 Papers Annexed; Index; Interlineations; Filing Under  
3 Uniform Commercial Code.**—Every writing (except fi-  
4 nancing, continuation and termination statements and  
5 other statements and writings permitted to be filed under  
6 chapter forty-six of the code) authorized by law to be  
7 recorded, when admitted to record, shall, with all certifi-  
8 cates of acknowledgment, and all plats, schedules and  
9 other papers thereto annexed or thereon indorsed, be  
10 recorded by, or under the direction of, the clerk of the  
11 county court, in a well-bound book, to be carefully præ-  
12 served; and there shall be an index to such book as well  
13 in the name of the grantee as of the grantor. After being

14 so recorded, such writing may be delivered to the party  
15 entitled to claim under the same. If, except in those  
16 cases where such writing is recorded by photography  
17 or similar process producing exact facsimile copies, there  
18 appear upon such writing, or any paper or certificate  
19 annexed thereto, any interlineation, erasure or alteration,  
20 of which no memorandum is contained in the writing,  
21 paper or certificate, the clerk shall append to the record  
22 thereof a memorandum describing as accurately as may  
23 be such interlineation, erasure or alteration; and such  
24 memorandum shall be copied into every such writing,  
25 paper or certificate. Every such memorandum shall be  
26 prima facie evidence of what is therein stated: *Provided,*  
27 That the clerk of the county court may refuse to accept  
28 for recordation any instrument printed on both sides of  
29 the paper or printed in whole or part in smaller than ten  
30 point type with at least two points separating each line.  
31 Any failure of such instrument to be so accepted by the  
32 clerk of the county court shall not affect the validity  
33 thereof as to the parties thereto: *Provided, however,*  
34 That any such instrument shall be accepted by the clerk

35 for recording at one and one-half times the legal fee  
36 therefor.

37 Financing, continuation and termination statements and  
38 other statements and writings permitted to be filed under  
39 chapter forty-six of the code shall be filed in a proper file  
40 by the clerk of the county court or the secretary of state,  
41 as the case may be, as specified in said chapter forty-six.

42 Such statements and writings filed in the office of the  
43 clerk of the county court and such statements and writ-  
44 ings filed in the office of the secretary of state shall be  
45 indexed according to the name of the debtor and shall  
46 disclose the assigned file number and the address of the  
47 debtor given in the respective statement or writing. The  
48 date and hour of filing and the file number shall be noted  
49 on the statement or writing involved. A financing, con-  
50 tinuation or termination statement or other statement or  
51 writing permitted to be filed under chapter forty-six of  
52 the code may, after the same ceases to be effective or  
53 lapses, as specified in said chapter forty-six, be removed  
54 from the files in the office of the clerk of the county court  
55 or the secretary of state, as the case may be, and de-  
56 stroyed.

**CHAPTER 59. FEES, ALLOWANCES AND COSTS.****Article 1. Fees and Allowances.****Section 2. Fees to Be Charged by Secretary of State.—**

2 The secretary of state shall charge for services rendered  
 3 in his office the following fees to be paid by the person  
 4 to whom the service is rendered at the same time it is  
 5 done:

6 For each certificate of incorporation or copy  
 7 thereof, including certificates issued on new agree-  
 8 ments, or authorizing a foreign corporation to do  
 9 business within this state. .... \$10.00

10 For each certified copy of certificate of incor-  
 11 poration, not to exceed ten pages ..... 10.00

12 If such copy contains in excess of ten pages, for  
 13 each additional page ..... .20

14 For filing and recording a trade-mark ..... 5.00

15 For each certificate of change of name, of in-  
 16 crease or decrease of authorized capital stock, of  
 17 change of principal office, or of amendment to cer-  
 18 tificate of incorporation ..... 5.00

19 For recording a power of attorney and certificate

20 thereof ..... 3.00

21 For any other certificate, whether required by  
22 law or made at the request of any person ..... 5.00

23 The foregoing fees shall include the tax on the  
24 great seal or the less seal impressed on any such  
25 document, as well as the filing, recording and in-  
26 dexing of the same.

27 For indorsing and filing reports of corporations,  
28 and all other papers, which shall include the in-  
29 dexing of the same, for each report or paper filed 1.00

30 For any search, not less than ..... 1.00

31 For searches of more than one hour, for each  
32 hour or fraction thereof consumed in making such  
33 search ..... 1.00

34 The cost of the search shall be in addition to the  
35 cost of any certificate issued pursuant thereto or  
36 based thereon.

37 For entering statement of satisfaction of condi-  
38 tional sale contract ..... 1.00

39 For filing each financing, continuation or termi-  
40 nation statement or other statement or writing

41	permitted to be filed under chapter forty-six of the	
42	code .....	1.00
43	For recording any paper for which no specific	
44	fee is prescribed .....	1.00
45	Or at the rate, for each one hundred words re-	
46	corded, of .....	.20
47	For issuing commission to a notary public, or to	
48	a commissioner of deeds, which shall include the	
49	tax on the state seal thereon and other charges .....	5.00
50	For a testimonial .....	1.50
51	For a copy of any paper, if one sheet .....	1.00
52	For each sheet of copy after the first .....	.75
53	For issuing a commission to a commissioner in	
54	any other state .....	5.00
55	For making out a requisition for a fugitive from	
56	justice demanded of the executive authority of an-	
57	other state .....	2.00
58	For issuing a warrant for the arrest of a fugitive	
59	from justice demanded by the executive authority	
60	of another state .....	2.00
61	When the work or service is performed for the	

62 benefit of any corporation which is exempted from  
63 the payment of license tax on its charter, one-half  
64 only of the foregoing rates shall be charged.

65 For any other work or service not herein enum-  
66 erated, such fee as may be elsewhere prescribed.

**Sec. 10. Fees to be Charged by Clerk of County**

2 **Court**—For the purpose of this section, the word “page”  
3 is defined as being a paper writing of not more than legal  
4 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 re-  
8 ceiving proof of acknowledgment thereof, entering  
9 an order in connection therewith, endorsing clerk’s  
10 certificate of recordation thereon and indexing in  
11 in a proper index, where the writing is a deed of  
12 conveyance, trust deed, lease, or power of attorney  
13 concerning real estate ..... \$1.25

14 If such writing contains more than two pages,  
15 for each additional page, in counties where record-  
16 ing 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 words.

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

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

25 For recording and indexing a map to be placed  
 26 in map book ..... 2.00

27 If such map contains more than one hundred  
 28 twenty square inches, for each additional square  
 29 inch ..... .007

30 For recording and indexing assignment ..... 1.25

31 If such assignment contains more than one ref-  
 32 erence to the record of property assigned, for each  
 33 reference ..... .50

34 If such assignment does not give the reference  
 35 to the record of property assigned, for search of  
 36 record to determine such book and page ..... .25

37 If such assignment contains more than two pages, ..

38	for each additional page .....	.50
39	For recording and indexing and noting release	
40	of lien .....	1.00
41	If such release contains more than one reference	
42	to lien released, for each lien released thereby .....	1.00
43	If book and page reference to lien released is	
44	omitted, for search of record to determine such book	
45	and page .....	.25
46	For filing or refileing and entering conditional	
47	sales contract .....	1.00
48	For recording and indexing a satisfaction of a	
49	conditional sales contract .....	1.00
50	For filing each financing, continuation or termina-	
51	tion statement or other statement or writing per-	
52	mitted to be filed under chapter forty-six of the	
53	code .....	1.00
54	For recording and indexing a certificate of in-	
55	corporation .....	1.25
56	If such certificate contains more than two pages,	
57	for each additional page .....	.50
58	For filing and indexing a certificate showing the	

59	name or names of a person or persons conducting	
60	business under an assumed name .....	1.00
61	For certifying to the assessor a transfer of real	
62	estate under section four, article four, chapter	
63	eleven of the code .....	.50
64	For swearing the witnesses and entering in the	
65	order or minute book, all orders in relation to the	
66	proof of a will which is admitted to record without	
67	contest, and copying such order on the will or on a	
68	paper annexed thereto, when fully proved and but	
69	one order .....	2.00
70	If the will be but partially proved on one day,	
71	for the order and entering the same on the will or	
72	paper annexed thereto .....	.50
73	For each subsequent order and entering the same	
74	on the will or paper annexed thereto .....	.50
75	For the same services where there is a contest ....	5.00
76	For preparing notices in connection with contest,	
77	or any hearing, each notice .....	.50
78	For recording a will and the matter recorded	
79	therewith in the will book .....	1.00

80	If will and matter recorded therewith contains	
81	more than two pages, for each additional page ....	.50
82	For entering orders and transmitting papers in	
83	case of appeal .....	2.50
84	If such order and transmittal contains more than	
85	five pages, for each additional page .....	.50
86	If any personal representative or guardian qual-	
87	ify for administering necessary oaths, notating the	
88	bond, entering and copying on the will, order grant-	
89	ing probate or administration, making out copy of	
90	such order for personal representative or guardian,	
91	entering and copying orders of appraisement ....	1.50
92	For each additional copy of qualification order	.50
93	If several personal representatives qualify on	
94	the same estate at the same time or term the same	
95	fee shall be charged as if one had qualified, to-wit	1.50
96	For entering and copying an order granting a	
97	license under provisions of article twelve, chapter	
98	eleven of the code .....	.50
99	For certificate for a license or endorsing assign-	
100	ment thereof .....	.50

101	For issuance of marriage license, for preparing the	
102	application and administering the oath, for regis-	
103	tering and recording the license, for mailing ac-	
104	knowledgment of minister's return to one of li-	
105	cencees, for notifying one of licensees after sixty	
106	days of the non-receipt of the minister's return	2.00
107	One-half of the latter fee shall be paid by the	
108	county clerk into the state treasury as a state reg-	
109	istration fee, in the same manner that license taxes	
110	are paid into the treasury under article twelve,	
111	chapter eleven of the code.	
112	For search of anything in his office of over a year's	
113	standing, unless otherwise required by statute	.25
114	For recording certificates and posting a copy	
115	thereof under the provisions of section two, article	
116	one, chapter thirty-four of the code	1.25
117	For docketing or redocketing under article three,	
118	chapter thirty-eight of the code, a judgment, de-	
119	crete, bond or recognizance	.50
120	If such writing contains more than one page, for	
121	each additional page	.50

122	For recording and indexing an execution and not-	
123	ing the date of issuance and the date of filing of	
124	same upon the judgment record .....	1.00
125	For making out a transcript of the record and	
126	proceedings in any case in due form so that the	
127	same may be used in appellate court, such fee shall	
128	be the same as specified herein for recording.	
129	For making out, in any other manner than copy-	
130	ing, any paper to go out of the office which is not	
131	otherwise provided for .....	1.00
132	If such paper contains more than two pages, for	
133	each additional page .....	.50
134	For any copy, if it be not otherwise provided for	1.00
135	If such copy contains more than two pages, for	
136	each additional page .....	.50
137	For annexing the seal of the court to any paper,	
138	writing certificates of clerk accompanying it .....	.50
139	For writing a certificate of the president of the	
140	court or judge, when the clerk be required to do so	.50
141	For recording and indexing an inventory or sale	
142	bill .....	1.00
143	If such writing contains more than two pages,	

144	for each additional page .....	.50
145	For entering an order confirming the report of	
146	a fiduciary .....	.50
147	For recording and indexing such report and mat-	
148	ter recorded therewith .....	2.00
149	If such report contains more than four pages, for	
150	each additional page .....	.50
151	For recording and indexing any bond required	
152	by law to be recorded, including the certificate or	
153	other evidence of its execution .....	1.00
154	If such bond and certificate contains more than	
155	two pages, for each additional page .....	.50
156	For recording and indexing a notice of mechanic's	
157	lien .....	1.00
158	If such notice contains more than two pages, for	
159	each additional page .....	.50
160	For recording contract limiting liability of owner	
161	and bond of contractor to be filed therewith, as	
162	prescribed in article two, chapter thirty-eight of	
163	the code .....	1.25
164	If such contract and bond contains more than two	

165	pages, for each additional page .....	.50
166	For recording and indexing a notice of lis	
167	pendens .....	1.25
168	If such notice contains more than two pages, for	
169	each additional page .....	.50
170	For recording a certificate of real estate claimed	
171	as a homestead .....	.50
172	For administering an oath not herein provided	
173	for, and writing a certificate thereof where the case	
174	requires one .....	.50
175	For recording a writing containing pages in ex-	
176	cess of legal size, 8½" x 13", additional fee for each	
177	page, where recording is by photograph .....	.25
178	For recording and indexing instruments not	
179	specifically provided for herein .....	1.25
180	If such instrument contains more than two pages,	
181	for each additional page .....	.50
182	For recording anew any will, deed or other paper, the	
183	same fees herein provided for the original recording.	
184	For any service other than recording and indexing	
185	not specifically provided for, the same fee as a clerk of	

186 the circuit court for similar services.

187 All acts or parts of acts in conflict herewith are hereby

188 repealed.

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

A. Ray Parker  
Chairman Senate Committee

Ethel L. Randall  
Chairman House Committee

Originated in the House.

Takes effect July 15, 1964. ~~passage~~

Howard Thayer  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard W. Carson  
President of the Senate

Julius W. Singleton Jr.  
Speaker House of Delegates

The within approved this the 16th  
day of March, 1963.

W. W. Bann  
Governor

