ENROLLED

House Bill No. 484
(By Mr. Ford and Mr. Buch)

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

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 Papers Annexed; Index; Interlineations; Filing Under Uniform Commercial Code.—Every writing (except financing, continuation and termination statements and other statements and writings permitted to be filed under chapter forty-six of the code) authorized by law to be recorded, when admitted to record, shall, with all certificates of acknowledgment, and all plats, schedules and other papers thereto annexed or thereon indorsed, be recorded by, or under the direction of, the clerk of the county court, in a well-bound book, to be carefully preserved; and there shall be an index to such book as well in the name of the grantee as of the grantor. After being
so recorded, such writing may be delivered to the party entitled to claim under the same. If, except in those cases where such writing is recorded by photography or similar process producing exact facsimile copies, there appear upon such writing, or any paper or certificate annexed thereto, any interlineation, erasure or alteration, of which no memorandum is contained in the writing, paper or certificate, the clerk shall append to the record thereof a memorandum describing as accurately as may be such interlineation, erasure or alteration; and such memorandum shall be copied into every such writing, paper or certificate. Every such memorandum shall be prima facie evidence of what is therein stated: Provided, That the clerk of the county court may refuse to accept for recordation any instrument printed on both sides of the paper or printed in whole or part in smaller than ten point type with at least two points separating each line. Any failure of such instrument to be so accepted by the clerk of the county court shall not affect the validity thereof as to the parties thereto: Provided, however, That any such instrument shall be accepted by the clerk
for recording at one and one-half times the legal fee therefor.

Financing, continuation and termination statements and other statements and writings permitted to be filed under chapter forty-six of the code shall be filed in a proper file by the clerk of the county court or the secretary of state, as the case may be, as specified in said chapter forty-six. Such statements and writings filed in the office of the clerk of the county court and such statements and writings filed in the office of the secretary of state shall be indexed according to the name of the debtor and shall disclose the assigned file number and the address of the debtor given in the respective statement or writing. The date and hour of filing and the file number shall be noted on the statement or writing involved. A financing, continuation or termination statement or other statement or writing permitted to be filed under chapter forty-six of the code may, after the same ceases to be effective or lapses, as specified in said chapter forty-six, be removed from the files in the office of the clerk of the county court or the secretary of state, as the case may be, and destroyed.
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 in his office the following fees to be paid by the person to whom the service is rendered at the same time it is done:

6 For each certificate of incorporation or copy thereof, including certificates issued on new agreements, or authorizing a foreign corporation to do business within this state. ........................................... $10.00

10 For each certified copy of certificate of incorporation, not to exceed ten pages ........................................... 10.00

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

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

15 For each certificate of change of name, of increase or decrease of authorized capital stock, of change of principal office, or of amendment to certificate 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
permitted to be filed under chapter forty-six of the

code ................................................................. 1.00

For recording any paper for which no specific
fee is prescribed ............................................... 1.00

Or at the rate, for each one hundred words re-
corded, of ......................................................... .20

For issuing commission to a notary public, or to
a commissioner of deeds, which shall include the
tax on the state seal thereon and other charges .... 5.00

For a testimonial ............................................. 1.50

For a copy of any paper, if one sheet ............... 1.00

For each sheet of copy after the first ............... .75

For issuing a commission to a commissioner in
any other state ................................................ 5.00

For making out a requisition for a fugitive from
justice demanded of the executive authority of an-
other state ....................................................... 2.00

For issuing a warrant for the arrest of a fugitive
from justice demanded by the executive authority
of another state ............................................... 2.00

When the work or service is performed for the
benefit of any corporation which is exempted from
the payment of license tax on its charter, one-half
only of the foregoing rates shall be charged.
For any other work or service not herein enum-
erated, such fee as may be elsewhere prescribed.

Sec. 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”.

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

When a writing is admitted to record, for re-
ceiving proof of acknowledgment thereof, entering
an order in connection therewith, endorsing clerk’s
certificate of recordation thereon and indexing in
in a proper index, where the writing is a deed of
conveyance, trust deed, lease, or power of attorney
concerning real estate .................................................. $1.25

If such writing contains more than two pages,
for each additional page, in counties where record-
ing is done by photograph, fifty cents; and in coun-
ties where recording is done by typewriter, and such writing contains more than one thousand words, three cents for each additional twenty words.

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

If such plat contains more than one hundred twenty square inches, for each additional square inch .......................................................... 0.007

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

If such map contains more than one hundred twenty square inches, for each additional square inch .......................................................... 0.007

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

If such assignment contains more than one reference to the record of property assigned, for each reference .......................................................... 0.50

If such assignment does not give the reference to the record of property assigned, for search of record to determine such book and page .............................. 0.25

If such assignment contains more than two pages,
for each additional page .................................................... .50

For recording and indexing and noting release
of lien ................................................................. 1.00

If such release contains more than one reference
to lien released, for each lien released thereby .......... 1.00

If book and page reference to lien released is
omitted, for search of record to determine such book
and page ............................................................ .25

For filing or refiling and entering conditional
sales contract .......................................................... 1.00

For recording and indexing a satisfaction of a
conditional sales contract ........................................... 1.00

For filing each financing, continuation or termination statement or other statement or writing permitted to be filed under chapter forty-six of the
code ........................................................................ 1.00

For recording and indexing a certificate of incorporation .................................................. 1.25

If such certificate contains more than two pages,
for each additional page ............................................. .50

For filing and indexing a certificate showing the
name or names of a person or persons conducting business under an assumed name .................................................. 1.00

For certifying to the assessor a transfer of real estate under section four, article four, chapter eleven of the code .......................................................... .50

For swearing the witnesses and entering in the order or minute book, all orders in relation to the proof of a will which is admitted to record without contest, and copying such order on the will or on a paper annexed thereto, when fully proved and but one order .......................................................... 2.00

If the will be but partially proved on one day, for the order and entering the same on the will or paper annexed thereto .................................................. .50

For each subsequent order and entering the same on the will or paper annexed thereto .................................................. .50

For the same services where there is a contest .... 5.00

For preparing notices in connection with contest, or any hearing, each notice .................................................. .50

For recording a will and the matter recorded therewith in the will book .................................................. 1.00
If will and matter recorded therewith contains more than two pages, for each additional page .50

For entering orders and transmitting papers in case of appeal .......................................................... 2.50

If such order and transmittal contains more than five pages, for each additional page ....................... .50

If any personal representative or guardian qualify for administering necessary oaths, notating the bond, entering and copying on the will, order granting probate or administration, making out copy of such order for personal representative or guardian, entering and copying orders of appraisement .......... 1.50

For each additional copy of qualification order .50

If several personal representatives qualify on the same estate at the same time or term the same fee shall be charged as if one had qualified, to-wit ............ 1.50

For entering and copying an order granting a license under provisions of article twelve, chapter eleven of the code ................................................................. .50

For certificate for a license or endorsing assignment thereof .............................................................. .50
For issuance of marriage license, for preparing the
application and administering the oath, for regist-
ering and recording the license, for mailing ac-
knowledgment of minister's return to one of li-
censees, for notifying one of licensees after sixty
days of the non-receipt of the minister's return  2.00
One-half of the latter fee shall be paid by the
county clerk into the state treasury as a state reg-
istration fee, in the same manner that license taxes
are paid into the treasury under article twelve,
chapter eleven of the code.
For search of anything in his office of over a year's
standing, unless otherwise required by statute  0.25
For recording certificates and posting a copy
thereof under the provisions of section two, article
one, chapter thirty-four of the code  1.25
For docketing or redocketing under article three,
chapter thirty-eight of the code, a judgment, de-
cree, bond or recognizance  0.50
If such writing contains more than one page, for
each additional page  0.50
122 For recording and indexing an execution and noting the date of issuance and the date of filing of same upon the judgment record .......................... 1.00
125 For making out a transcript of the record and proceedings in any case in due form so that the same may be used in appellate court, such fee shall be the same as specified herein for recording.
129 For making out, in any other manner than copying, any paper to go out of the office which is not otherwise provided for ........................................ 1.00
132 If such paper contains more than two pages, for 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 each additional page ......................................................... .50
137 For annexing the seal of the court to any paper, writing certificates of clerk accompanying it ........... .50
139 For writing a certificate of the president of the court or judge, when the clerk be required to do so .50
141 For recording and indexing an inventory or sale bill .............................................................................. 1.00
143 If such writing contains more than two pages,
for each additional page ........................................  .50

For entering an order confirming the report of
a fiduciary ..............................................................  .50

For recording and indexing such report and mat-
ter recorded therewith ............................................  2.00

If such report contains more than four pages, for
each additional page .............................................  .50

For recording and indexing any bond required
by law to be recorded, including the certificate or
other evidence of its execution ...................................  1.00

If such bond and certificate contains more than
two pages, for each additional page .......................  .50

For recording and indexing a notice of mechanic's
lien .............................................................................  1.00

If such notice contains more than two pages, for
each additional page .................................................  .50

For recording contract limiting liability of owner
and bond of contractor to be filed therewith, as
prescribed in article two, chapter thirty-eight of
the code ......................................................................  1.25

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

C. Ray Parker  
Chairman Senate Committee

Ethel L. Brandall  
Chairman House Committee

Originated in the House.

Takes effect July 1, 1964.

J. Howard Meyers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard W. Carson  
President of the Senate

Julius W. Bingle Howard Jr.  
Speaker House of Delegates

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

Governor