

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 71

(By Mr. White)



PASSED February 7, 1963

In Effect 90 days from Passage



Filed in Office of the Secretary of State  
of West Virginia 2-13-63

JOE F. BURDETT  
SECRETARY OF STATE

# 71

**ENROLLED**  
**House Bill No. 71**

(By MR. WHITE)

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[Passed February 7, 1963; in effect ninety days from passage.]

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AN ACT to amend and reenact section eight, article one, chapter forty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the effect of recorded contracts as to creditors and purchasers, and providing that a memorandum only of a lease need be recorded.

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

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

**Article 1. Acts Generally Void as to Creditors and Purchasers.**

**Section 8. Effect of Recorded Contract as to Creditors  
and Purchasers; Memorandum of Lease May Be Re-  
corded.**—Any contract in writing made in respect to real  
estate or goods and chattels in consideration of marriage;  
or any contract in writing made for the conveyance or  
sale of real estate, or an interest or term therein of more  
than five years, or any other interest or term therein, of  
any duration, under which the whole or any part of the  
corpus of the estate may be taken, destroyed, or con-  
sumed, except for domestic use, shall, from the time it is  
duly admitted to record, be, as against creditors and pur-  
chasers, as valid as if the contract were a deed conveying  
the estate or interest embraced in the contract. In lieu of  
the recording of a lease pursuant to this section, there may  
be recorded with like effect a memorandum of such lease,  
executed by all persons who are parties to the lease  
and acknowledged in the manner to entitle a conveyance  
to be recorded. A memorandum of lease thus entitled to  
be recorded shall contain at least the following informa-  
tion with respect to the lease: The name of the lessor  
and the name of the lessee and the addresses of such par-

22 ties as set forth in the lease; a reference to the lease, with  
23 its date of execution; a description of the leased premises  
24 in the form contained in the lease; the rentals or royalties  
25 to be charged and terms of payment thereof; the term of  
26 the lease, with the date of commencement and the date of  
27 termination of such term, and if there is a right of exten-  
28 sion or renewal, the maximum period for which, or date  
29 to which, the lease may be extended, or the number of  
30 times or date to which it may be renewed and the date or  
31 dates on which such rights of extension or renewal are  
32 exercisable. Such memorandum shall constitute notice of  
33 only the information contained therein.

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

*J. Roy Parker*  
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Chairman Senate Committee

*Ethel L. Randall*  
\_\_\_\_\_  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Howard Meyer*  
\_\_\_\_\_  
Clerk of the Senate

*C. A. Blankenship*  
\_\_\_\_\_  
Clerk of the House of Delegates

*Howard W. Cannon*  
\_\_\_\_\_  
President of the Senate

*William W. Singleton*  
\_\_\_\_\_  
Speaker House of Delegates

The within approved this the 13<sup>th</sup>  
day of February, 1963.

*W. W. Cannon*  
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Governor

