

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

## ENROLLED

SENATE BILL NO. 54

(By Mr. Moreland and Mr. Brubaker)

PASSED March 13, 1965

In Effect Ninety days from Passage



FILED IN THE OFFICE OF  
JOE F. BURDETT  
SECRETARY OF STATE  
THIS DATE 3-18-65

4-5-65

**ENROLLED**

**Senate Bill No. 54**

(By MR. MORELAND and MR. BROTHERTON)

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[Passed March 13, 1965; in effect ninety days from passage.]

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AN ACT to amend and reenact section ten, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to fees to be charged by the clerks of the county courts.

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

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

**Section 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 receiv-  
8 ing proof of acknowledgment thereof, entering an  
9 order in connection therewith, endorsing clerk's cer-  
10 tificate of recordation thereon and indexing in a  
11 proper index, where the writing is a deed of convey-  
12 ance, trust deed, lease, or power of attorney concern-  
13 ing real estate .....\$1.25

14 If such writing contains more than two pages, for  
15 each additional page, in counties where recording is  
16 done by photograph, fifty cents; and in counties  
17 where recording is done by typewriter, and such  
18 writing contains more than one thousand words,  
19 three cents for each additional twenty words.

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

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

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

26	If such map contains more than one hundred twen-	
27	ty square inches, for each additional square inch	.007
28	For recording and indexing assignment	1.25
29	If such assignment contains more than one reference	
30	to the record of property assigned, for each reference	.50
31	If such assignment does not give the reference to	
32	the record of property assigned, for search of record	
33	to determine such book and page	.25
34	If such assignment contains more than two pages,	
35	for each additional page	.50
36	For recording and indexing and noting release of	
37	lien	1.00
38	If such release contains more than one reference to	
39	lien released, for each lien released thereby	1.00
40	If book and page reference to lien released is	
41	omitted, for search of record to determine such book	
42	and page	.25
43	For filing or refileing and entering conditional sales	
44	contract	1.00
45	For recording and indexing a satisfaction of a con-	
46	ditional sales contract	1.00

47 For filing each financing, continuation or termina-  
48 tion statement or other statement or writing per-  
49 mitted to be filed under chapter forty-six of the code 1.00

50 For filing, preserving and indexing a security agree-  
51 ment filed under chapter forty-six of the code 2.00

52 For recording and indexing a certificate of incor-  
53 poration 1.25

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

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

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

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

68	If the will be but partially proved on one day, for	
69	the order and entering the same on the will or paper	
70	annexed thereto .....	.50
71	For each subsequent order and entering the same	
72	on the will or paper annexed thereto .....	.50
73	For the same services where there is a contest.....	5.00
74	For preparing notices in connection with contest,	
75	or any hearing, each notice .....	.50
76	For recording a will and the matter recorded there-	
77	with in the will book .....	1.00
78	If will and matter recorded therewith contains	
79	more than two pages, for each additional page .....	.50
80	For entering orders and transmitting papers in	
81	case of appeal .....	2.50
82	If such order and transmittal contains more than	
83	five pages, for each additional page .....	.50
84	If any personal representative or guardian qualify	
85	for administering necessary oaths, notating the bond,	
86	entering and copying on the will, order granting pro-	
87	bate or administration, making out copy of such	
88	order for personal representative or guardian, enter-	

89	ing and copying orders of appraisalment .....	1.50
90	For each additional copy of qualification order .....	.50
91	If several personal representatives qualify on the	
92	same estate at the same time or term the same fee	
93	shall be charged as if one had qualified, to-wit.....	1.50
94	For entering and copying an order granting a	
95	license under provisions of article twelve, chapter	
96	eleven of the code .....	.50
97	For certificate for a license or endorsing assign-	
98	ment thereof .....	.50
99	For issuance of marriage license, for preparing the	
100	application and administering the oath, for register-	
101	ing and recording the license, for mailing acknowl-	
102	edgment of minister's return to one of licensees, for	
103	notifying one of licensees after sixty days of the non-	
104	receipt of the minister's return .....	5.00
105	One dollar of the latter fee shall be paid by the	
106	county clerk into the state treasury as a state regis-	
107	tration fee, in the same manner that license taxes are	
108	paid into the treasury under article twelve, chapter	
109	eleven of the code.	

110	For search of anything in his office of over a year's	
111	standing, unless otherwise required by statute.....	.25
112	For recording certificates and posting a copy there-	
113	of under the provisions of section two, article one,	
114	chapter thirty-four of the code .....	1.25
115	For docketing or redocketing under article three,	
116	chapter thirty-eight of the code, a judgment, decree,	
117	bond or recognizance .....	.50
118	If such writing contains more than one page, for	
119	each additional page .....	.50
120	For recording and indexing an execution and	
121	noting the date of issuance and the date of filing of	
122	same upon the judgment record .....	1.00
123	For making out a transcript of the record and pro-	
124	ceedings in any case in due form so that the same	
125	may be used in appellate court, such fee shall be the	
126	same as specified herein for recording.	
127	For making out, in any other manner than copying,	
128	any paper to go out of the office which is not other-	
129	wise provided for .....	1.00



130	If such paper contains more than two pages, for	
131	each additional page .....	.50
132	For any copy, if it be not otherwise provided for....	1.00
133	If such copy contains more than two pages, for	
134	each additional page .....	.50
135	For annexing the seal of the court to any paper,	
136	writing certificates of clerk accompanying it .....	.50
137	For writing a certificate of the president of the	
138	court or judge, when the clerk be required to do so....	.50
139	For recording and indexing an inventory or sale	
140	bill .....	1.00
141	If such writing contains more than two pages, for	
142	each additional page .....	.50
143	For entering an order confirming the report of a	
144	fiduciary .....	.50
145	For recording and indexing such report and matter	
146	recorded therewith .....	2.00
147	If such report contains more than four pages, for	
148	each additional page .....	.50
149	For recording and indexing any bond required by	
150	law to be recorded, including the certificate or other	

151	evidence of its execution .....	1.00
152	If such bond and certificate contains more than	
153	two pages, for each additional page .....	.50
154	For recording and indexing a notice of mechanic's	
155	lien .....	1.00
156	If such notice contains more than two pages, for	
157	each additional page .....	.50
158	For recording contract limiting liability of owner	
159	and bond of contractor to be filed therewith, as pre-	
160	scribed in article two, chapter thirty-eight of the	
161	code .....	1.25
162	If such contract and bond contains more than two	
163	pages, for each additional page .....	.50
164	For recording and indexing a notice of lis pendens	1.25
165	If such notice contains more than two pages, for	
166	each additional page .....	.50
167	For recording a certificate of real estate claimed as	
168	a homestead .....	.50
169	For administering an oath not herein provided for,	
170	and writing a certificate thereof where the case re-	
171	quires one .....	.50

172 For recording a writing containing pages in excess  
173 of legal size, 8½" x 13", additional fee for each page,  
174 where recording is by photograph ..... .25

175 For recording and indexing instruments not spe-  
176 cifically provided for herein ..... 1.25

177 If such instrument contains more than two pages,  
178 for each additional page ..... .50

179 For recording anew any will, deed or other paper,  
180 the same fees herein provided for the original re-  
181 cording.

182 For any service other than recording and indexing  
183 not specifically provided for, the same fee as a clerk  
184 of the circuit court for similar services.

185 All acts or parts of acts in conflict herewith are hereby  
186 repealed.

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

*A. Ray Fisher*  
Chairman Senate Committee

*James W. Loop*  
Chairman House Committee

Originated in the Senate.

Takes effect *thirty days from* Passage.  
*J. Thomas Hoyer*  
Clerk of the Senate

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

*Howard G. Benson*  
President of the Senate

*H. Lehan White*  
Speaker House of Delegates

The within *approved* this the *18*  
day of *March*, 1965.

*Huette C. Smith*  
Governor



Presented to the Governor's Office  
March 18, 1965  
4:30 PM