WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 1050

(By Mr. Steptoe and Mr. Seibert)

PASSED March 9, 1972

In Effect 90 days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-19-72
AN ACT to amend and reenact section five, article two, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to enforcement of certain liens.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.

§55-2-5. Enforcement of certain liens.

1 No lien reserved on the face of any conveyance of real estate, or lien created by any trust deed or mortgage on real estate, shall be valid or binding as a lien on such real estate, after the expiration of twenty years from the date on which the debt or obligation secured thereby becomes due, unless suit to enforce the same shall have been instituted prior to the expiration of such period. If any debt or obligation incurred or maturing subsequent to the debt or obligation secured by a lien reserved on the face of any conveyance of real estate, or lien created by any trust deed or mortgage on real estate, be also secured, in whole or in part, by the same lien, such lien shall continue to be valid and binding as a lien on such real estate for a period of twenty years from the date on which such subsequent debt or obligation secured by such lien becomes due, but not thereafter unless suit to enforce the
same shall have been instituted prior to the expiration of such period. No extension of the original time of payment of such debt or obligation, or renewal of any note or other evidence of indebtedness secured by such lien, or provision for such extension or renewal in such conveyance, trust deed or mortgage, shall operate to extend the limitation of twenty years hereinafter provided: Provided, That the lien reserved or created as aforesaid shall continue to be valid and be enforceable, if, prior to the expiration of the original period of limitations, the vendor or the mortgagee or the trustee or beneficiary, or their successors or assigns, shall execute and cause to be recorded in the office where the lien instrument was recorded an affidavit setting forth the unpaid balance of the debt and interest secured by such lien instrument. Upon the filing of such affidavit the lien of the lien instrument shall continue and be enforceable for an additional period of twenty years from the date of the filing of such affidavit unless sooner released, and the clerk of the court shall cause the extension affidavit to be recorded and indexed in the same manner as the lien instrument and shall note the fact of filing such extension affidavit on the margin of the page where such lien instrument is recorded. Such affidavit shall recite the book and page of recorder of the deed, deed of trust or mortgage. The provisions of this section shall apply, with like effect, to every such lien now existing, as well as to every such lien hereafter reserved or created.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 27th day of

Governor