

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972



ENROLLED

HOUSE BILL No. 1050

(By Mr. Heptoe 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 3-29-72

1050

ENROLLED

House Bill No. 1050

(By MR. STEPTOE and MR. SEIBERT)

[Passed March 9, 1972; in effect ninety days from passage.]

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
2 estate, or lien created by any trust deed or mortgage on
3 real estate, shall be valid or binding as a lien on such real
4 estate, after the expiration of twenty years from the date
5 on which the debt or obligation secured thereby be-
6 comes due, unless suit to enforce the same shall have been
7 instituted prior to the expiration of such period. If any
8 debt or obligation incurred or maturing subsequent to
9 the debt or obligation secured by a lien reserved on the
10 face of any conveyance of real estate, or lien created by
11 any trust deed or mortgage on real estate, be also secured,
12 in whole or in part, by the same lien, such lien shall con-
13 tinue to be valid and binding as a lien on such real estate
14 for a period of twenty years from the date on which such
15 subsequent debt or obligation secured by such lien be-
16 comes due, but not thereafter unless suit to enforce the

17 same shall have been instituted prior to the expiration of
18 such period. No extension of the original time of payment
19 of such debt or obligation, or renewal of any note or
20 other evidence of indebtedness secured by such lien, or
21 provision for such extension or renewal in such convey-
22 ance, trust deed or mortgage, shall operate to extend the
23 limitation of twenty years hereinbefore provided: *Pro-*
24 *vided*, That the lien reserved or created as aforesaid shall
25 continue to be valid and be enforceable, if, prior to the
26 expiration of the original period of limitations, the vendor
27 or the mortgagee or the trustee or beneficiary, or their
28 successors or assigns, shall execute and cause to be re-
29 corded in the office where the lien instrument was re-
30 corded an affidavit setting forth the unpaid balance of
31 the debt and interest secured by such lien instrument.
32 Upon the filing of such affidavit the lien of the lien instru-
33 ment shall continue and be enforceable for an additional
34 period of twenty years from the date of the filing of such
35 affidavit unless sooner released, and the clerk of the court
36 shall cause the extension affidavit to be recorded and in-
37 dexed in the same manner as the lien instrument and
38 shall note the fact of filing such extension affidavit on the
39 margin of the page where such lien instrument is record-
40 ed. Such affidavit shall recite the book and page of re-
41 cordation of the deed, deed of trust or mortgage. The
42 provisions of this section shall apply, with like effect, to
43 every such lien now existing, as well as to every such
44 lien hereafter reserved or created.

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

Russell D. Brall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

Howard S. Lawrence
Clerk of the Senate

W. A. Blackenship
Clerk of the House of Delegates

E. Mrs. McCourt
President of the Senate

Louis W. McMane
Speaker House of Delegates

The within approved this the 27th
day of March, 1972.

W. A. Shaue, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/16/72

Time 2:10 p.m.

MAR 29 9 27 AM '72

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA