WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

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ENROLLED

HOUSE BILL No. 986

(By Mrs. Blatnick)

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Passed April 2, 1981

In Effect July 1, 1981
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H. B. 986

(By Mrs. Blatnik)

[Passed April 2, 1981; in effect July 1, 1981.]

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 increasing the fees to be charged by the clerk of the county commission for recordings and other services.

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 renacted to read as follows:

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-10. Fees to be charged by clerk of county commission.

For the purpose of this section, the words “page” is defined as being a paper writing of not more than legal size, 8½” x 13.”

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

When a writing is admitted to record, for receiving proof of acknowledgment thereof, entering an order in connection therewith, endorsing clerk’s certificate of recordation thereon and indexing in a proper index, where the writing is a deed of conveyance, trust deed, lease, or power of attorney concerning real estate .... $2.00
If such writing contains more than two pages, for each additional page, in counties where recording is done by photograph, fifty cents; and in counties 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 ........................................ 2.00

If such plat contains more than one hundred twenty square inches, for each additional square inch .......... .010

For recording and indexing a map to be placed in map book ................................................................... 3.00

If such map contains more than one hundred twenty square inches, for each additional square inch .......... .010

For recording and indexing assignment ........... 2.00

If such assignment contains more than one reference to the record of property assigned, for each reference ................................................................................................................................. 1.00

If such assignment does not give the reference to the record of property assigned, for search of record to determine such book and page ................................................. .50

If such assignment contains more than two pages, for each additional page ................................................. 1.00

For recording and indexing and noting release of lien ............................................................................. 2.00

If such release contains more than one reference to lien released, for each lien released thereby .................. 2.00

If book and page reference to lien released is omitted, for search of record to determine such book
and page ................................................................................................................................. .50

For filing or refiling and entering conditional sales contract ........................................................................ 2.00

For recording and indexing a satisfaction of a conditional sales contract .................................................. 2.00
For filing each financing, continuation or termination statement or other statement or writing permitted to be filed under chapter forty-six of the code $2.00

For filing, preserving and indexing a security agreement filed under chapter forty-six of the code $3.00

For recording and indexing a certificate of incorporation $2.00

If such certificate contains more than two pages, for each additional page $1.00

For filing and indexing a certificate showing the name or names of a person or persons conducting business under an assumed name $2.00

For certifying to the accessor a transfer of real estate under section eight, article four, chapter eleven of the code $1.00

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 $3.00

If the will be but partially proved on one day, for the order and entering the same on the will or paper annexed thereto $1.00

For each subsequent order and entering the same on the will or paper annexed thereto $1.00

For the same services where there is a contest $8.00

For preparing notices in connection with contest, or any hearing, each notice $1.00

For recording a will and the matter recorded therewith in the will book $2.00

If will and matter recorded therewith contains more than two pages, for each additional page $1.00

For entering orders and transmitting papers in case of appeal $3.00
If such order and transmittal contains more than five pages, for each additional page 1.00

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 2.00

For each additional copy of qualification order 1.00

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 2.00

For entering and copying an order granting a license under provisions of article twelve, chapter eleven of the code 1.00

For certificate for a license or endorsing assignment thereof 1.00

For issuance of marriage license, for preparing the application and administering the oath, for registering and recording the license, for mailing acknowledgment of minister’s return to one of licensees, for notifying one of licensees after sixty days of the non-receipt of the minister’s return 8.00

One dollar of the latter fee shall be paid by the county clerk into the state treasury as a state registration 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 .50

For recording certificates and posting a copy thereof under the provisions of section two, article one, chapter thirty-four of the code 1.50

For docketing or redocketing under article three, chapter thirty-eight of the code, a judgment, decree, bond or recognizance 1.00
If such writing contains more than one page, for each additional page 1.00

For recording and indexing an execution and noting the date of issuance and the date of filing of same upon the judgment record 1.50

For making out a transcript of the record and proceedings in any case in due form so that the same may be use in appellate court, such fee shall be the same as specified herein for recording.

For making out, in any other manner than copying, any paper to go out of the office which is not otherwise provided for 1.50

If such paper contains more than two pages, for each additional page 1.00

For any copy, if it be not otherwise provided for 1.50

If such copy contains more than two pages, for each additional page 1.00

For annexing the seal of the court to any paper, writing certificates of clerk accompanying it 1.00

For writing a certificate of the president of the court or judge, when the clerk be required to do so 1.00

For recording and indexing an inventory or sale bill 1.50

If such writing contains more than two pages, for each additional page 1.00

For entering an order confirming the report of a fiduciary 1.00

For recording and indexing such report and matter recorded therewith 3.00

If such report contains more than four pages, for each additional page 1.00

For recording and indexing any bond required by law to be recorded, including the certificate or other evidence of its execution 1.50
If such bond and certificate contains more than two pages, for each additional page 1.00

For recording and indexing a notice of mechanic's lien 1.50

If such notice contains more than two pages, for each additional page 1.00

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 2.00

If such contract and bond contains more than two pages, for each additional page 1.00

For recording and indexing a notice of lis pendens 1.50

If such notice contains more than two pages, for each additional page 1.00

For recording a certificate of real estate claimed as a homestead 1.00

For administering an oath not herein provided for, and writing a certificate thereof where the case requires one 1.00

For recording a writing containing pages in excess of legal size 8½” x 13”, additional fee for each page, where recording is by photograph .50

For recording and indexing instruments not specifically provided for herein 1.50

If such instrument contains more than two pages, for each additional page 1.00

For recording anew any will, deed or other paper, the same fee herein provided for the original recording.

For any service other than recording and indexing not specifically provided for, the same fee as a clerk of the circuit court for similar services.
All acts or parts of acts in conflict herewith are hereby repealed.
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.

Takes effect July 1, 1981.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 14th day of May, 1981.

Governor