WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

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ENROLLED

HOUSE BILL No. 2673

(By Del. Wadsworth Reulledge)

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Passed April 5, 1989

In Effect June 1, 1989
AN ACT to amend chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article ten-d, relating to the filing and recordation of federal superfund liens.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article ten-d, to read as follows:

ARTICLE 10D. SUPERFUND LIEN RECORDATION ACT.

§38-10D-1. Recordation of federal superfund liens; release; fee.

(a) Pursuant to the authority of section 107(d) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §9607(1), notices of liens for costs and damages under said act (superfund liens) may be filed in an office designated by state law. Pursuant to said act, the office of the clerk of the county commission for the county in which the real property is located is hereby designated as the appropriate office for the filing of such notices of superfund liens.

(b) The clerk of the county commission of every
county of this state shall, upon the filing in his/her office
of any such notice of superfund lien upon the property
of any person in favor of the United States, record such
notice of lien without delay in the federal tax lien
docket. He shall index such lien in the name of the
person against whom the lien is claimed.

(c) Every such superfund lien shall be void as to any
creditor, secured parties under a deed of trust, mortga-
gee, purchaser, holder of a security interest or judgment
lien creditor, until and except from the time such lien
is filed in the office of the clerk of the county commission
of the county in which the real property subject to such
lien is situated. In case the real property lies in more
than one county, then such notice shall be filed in all
counties in which the real property subject to such lien
is situated.

(d) The clerk of such county commission shall, upon
the filing in his/her office of any release of such lien
issued by the regional counsel for the United States
Environmental Protection Agency, record the same and
make proper marginal notation thereof in the federal
tax lien docket. No fee shall be charged by such clerk
for recording of the notice of superfund lien, but he/she
shall charge a fee of two dollars for recording such
release or partial release.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Fredrick L. Parker  
Chairman Senate Committee

Bernard V. Kelly  
Chairman House Committee

Originating in the House.

Takes effect June 1, 1989.

Judy C. Whitham  
Clerk of the Senate

Donald L. Hooper  
Clerk of the House of Delegates

John G. Lederer  
President of the Senate

Mike Milligan  
Speaker of the House of Delegates

The within is approved this the 24th day of April, 1989.

James G. Causey  
Governor
PRESENTED TO THE

GOVER... 5/14/69

Date 5/14

Time