

HB # 4171

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

Com. Sub. For
HOUSE BILL No. 4171

(By Delegates *Trump, Burk, Rowe,*
Huffman and Kiss)



Passed March 11, 1994

In Effect 90 Days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 4171

(By DELEGATES TRUMP, BURK, ROWE , HUFFMAN AND KISS)

[Passed March 11, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article eleven, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to changing the time period for curing technical deficiencies in documents that effect real estate conveyances and transactions from ten to five years.

Be it enacted by the Legislature of West Virginia:

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

**ARTICLE 11. CURATIVE PROVISIONS RESPECTING DEEDS
AND OTHER WRITINGS AND THE RECORDATION
THEREOF.**

**§37-11-2. Validation of instruments, acknowledgments
and records.**

- 1 (a) No deed or other writing conveying or purporting
- 2 to convey or release or assign real estate, or any interest
- 3 therein, or to create any power of attorney relating to
- 4 real estate or any interest therein, heretofore made or
- 5 executed and delivered by any person or persons
- 6 whomsoever, or by a husband and wife to a bona fide
- 7 purchaser for good and valuable consideration, and
- 8 acknowledged by him or them before an officer duly


9 authorized by law to take such acknowledgments, if
10 such deed, writing or power of attorney was made,
11 executed, acknowledged and delivered prior to the
12 seventh day of June, one thousand nine hundred fifty-
13 five, shall be deemed, held or adjudged invalid, or
14 defective, or insufficient in law or in equity, by reason
15 of any informality or omission in setting forth the
16 particulars of the acknowledgment made before such
17 officer aforesaid in the certification thereof, or in stating
18 the official character of such officer, or the place of
19 taking the acknowledgment, or by reason of the fact that
20 the wife executed such instrument prior to the execution
21 thereof by the husband, or by reason of the fact that the
22 parties making or executing the instrument or writing,
23 or any of them omitted to seal the same, or by reason
24 of the fact that the official taking the acknowledgment
25 omitted his official seal, or by reason of the failure to
26 set forth the date of the deed or other writing or the date
27 of the acknowledgment in the certification thereof, or by
28 reason of the failure to set forth correctly the date of
29 the deed or other writing or the date of the acknowl-
30 edgment in the certification thereof.

31 (b) If a period of five years has elapsed from the date
32 of recordation of any deed or other writing, and if said
33 deed or other writing has an acknowledgment consi-
34 dered defective for any reason, then every such deed or
35 other writing shall be as good, valid and effectual in law
36 as if the law with respect to acknowledgments and seals,
37 in force at the date of such acknowledgment had been
38 fully complied with; and the record of the same duly
39 made in the proper office for recording deeds in the
40 state of West Virginia, or in the state of Virginia before
41 formation of West Virginia, and exemplifications of the
42 same duly certified, shall be legal evidence in all cases
43 in which the original would be competent evidence:
44 *Provided*, That this section shall not apply to suits now
45 pending and undetermined insofar as it amends laws
46 existing at the time such pending suits were instituted,
47 nor to any suit that may be brought within one year
48 after the day this section takes effect, insofar as it
49 amends laws existing at the time this section takes
50 effect; nor shall this section apply to any deed or other

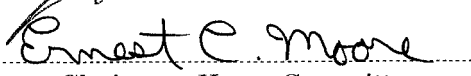
51 writing which has heretofore been declared or held
52 invalid by any court of competent jurisdiction.

Enr. Com. Sub. for H. B. 4171] 4

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



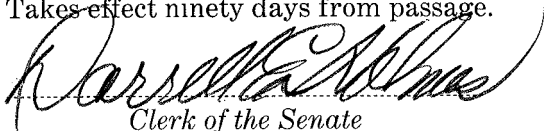
Chairman Senate Committee



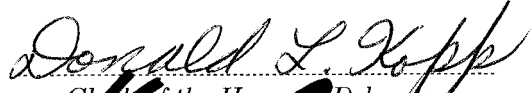
Chairman House Committee

Originating in the House.

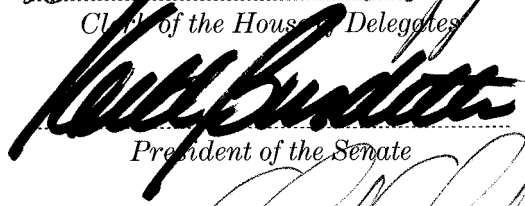
Takes effect ninety days from passage.



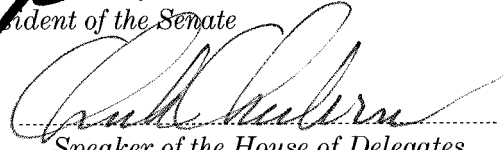
Clerk of the Senate



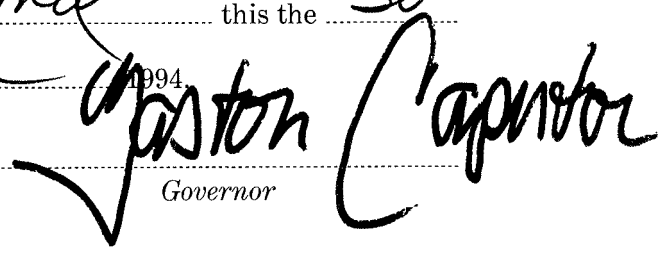
Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 30th
day of March 1994.

Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/94

Time 4:11 pm