WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1994

ENROLLED
Com. Sub. for
HOUSE BILL No. H171

(By Delegates Trump, Burke, Rowe, Huffman, and kiss)

Passed March 11, 1994
In Effect 90 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 to convey or release or assign real estate, or any interest therein, or to create any power of attorney relating to real estate or any interest therein, heretofore made or executed and delivered by any person or persons whomever, or by a husband and wife to a bona fide purchaser for good and valuable consideration, and acknowledged by him or them before an officer duly
authorized by law to take such acknowledgments, if
such deed, writing or power of attorney was made,
executed, acknowledged and delivered prior to the
seventh day of June, one thousand nine hundred fifty-
five, shall be deemed, held or adjudged invalid, or
defective, or insufficient in law or in equity, by reason
of any informality or omission in setting forth the
particulars of the acknowledgment made before such
officer aforesaid in the certification thereof, or in stating
the official character of such officer, or the place of
taking the acknowledgment, or by reason of the fact that
the wife executed such instrument prior to the execution
thereof by the husband, or by reason of the fact that the
parties making or executing the instrument or writing,
or any of them omitted to seal the same, or by reason
of the fact that the official taking the acknowledgment
omitted his official seal, or by reason of the failure to
set forth the date of the deed or other writing or the date
of the acknowledgment in the certification thereof, or by
reason of the failure to set forth correctly the date of
the deed or other writing or the date of the acknowl-
dgment in the certification thereof.

(b) If a period of five years has elapsed from the date
of recordation of any deed or other writing, and if said
deed or other writing has an acknowledgment consi-
dered defective for any reason, then every such deed or
other writing shall be as good, valid and effectual in law
as if the law with respect to acknowledgments and seals,
in force at the date of such acknowledgment had been
fully complied with; and the record of the same duly
made in the proper office for recording deeds in the
state of West Virginia, or in the state of Virginia before
formation of West Virginia, and exemplifications of the
same duly certified, shall be legal evidence in all cases
in which the original would be competent evidence:
Provided, That this section shall not apply to suits now
pending and undetermined insofar as it amends laws
existing at the time such pending suits were instituted,
nor to any suit that may be brought within one year
after the day this section takes effect, insofar as it
amends laws existing at the time this section takes
effect; nor shall this section apply to any deed or other
writing which has heretofore been declared or held invalid by any court of competent jurisdiction.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

[Signature]

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

[Signature]

W. Stratton White
Clerk of the House of Delegates

President of the Senate

[Signature]

Andrew P. Lewis
Speaker of the House of Delegates

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

Governor

[Signature]