

1 **H. B. 2293**

2
3 (By Delegate Azinger)
4 [Introduced January 12, 2011; referred to the
5 Committee on the Judiciary.]
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10 A BILL to amend and reenact §39-1-2 of the Code of West Virginia,
11 1931, as amended, relating to prohibiting the publication of
12 the consideration paid for the sale of real estate or the
13 amount of any lien on the real property subject to the sale.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §39-1-2 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 1. AUTHENTICATION AND RECORD OF WRITINGS.**
18 **§39-1-2. Conditions under which county clerk shall admit deeds,**
19 **contracts, etc., to record.**

20 The clerk of the county ~~court~~ commission of any county in
21 which any deed, contract, power of attorney, or other writing is to
22 be, or may be, recorded, shall admit the same to record in his or

1 her office, as to any person whose name is signed thereto, when it
2 shall have been acknowledged by him or her, or proved by two
3 witnesses as to him or her , before ~~such~~ the clerk of the county
4 ~~court~~ commission.

5 But notwithstanding ~~such~~ the acknowledgment or proof, ~~such~~ the
6 clerk ~~shall~~ may not admit to record any contract, deed, deed of
7 trust, mortgage or other instrument that secures the payment of any
8 debt, unless ~~such~~ the contract, deed, deed of trust, mortgage, or
9 other instrument sets forth therein who, at the time of the
10 execution and delivery thereof, is the beneficial owner of the debt
11 secured thereby, and where he or she resides: *Provided, however,*
12 That in the case of a mortgage or a deed of trust securing an issue
13 of negotiable notes or bonds exceeding five in number and payable
14 to bearer, it ~~shall~~ is not be necessary that the mortgage or deed
15 of trust show who are the beneficial owners of such notes or bonds,
16 but ~~in such case such~~ if the mortgage or deed of trust ~~shall show~~
17 shows the name and address of the person or corporation with or by
18 whom the notes or bonds have been, or are to be, first negotiated.

19 Notwithstanding any other provision of law or this code to the
20 contrary, a publication of a list of deeds, mortgages or deeds of
21 trust relating to real property admitted to record under the
22 provisions of this section, or any other provision of this code,

1 may not contain the consideration paid for the transfer of the real
2 property or the amount of the lien, if any, on the real property.

NOTE: The purpose of this bill is to prohibit the publication of the consideration paid for the sale of real estate or the amount of any lien on the real property subject to the sale.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.