

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 249

BY SENATOR TRUMP

[Introduced February 10, 2017; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §38-3-4 of the Code of West Virginia, 1931, as amended, relating
2 to information required in an abstract of judgment.

Be it enacted by the Legislature of West Virginia:

1 That §38-3-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

ARTICLE 3. JUDGMENT LIENS.

§38-3-4. Abstracts of judgments; damages or penalty for failure of clerk or justice to deliver.

1 The clerk of every court of this state shall, without delay, make out and deliver a duly
2 certified abstract of every judgment rendered by such court, and every justice of the peace shall,
3 without delay, make out and deliver a duly certified abstract of every judgment rendered by him
4 or her or by any other justice, the docket of which judgment is in his or her possession and under
5 his or her control, to any person interested therein who may demand the same, and pay or tender
6 the fee therefor, in which abstract shall be stated: (a) The names in full of the plaintiff or plaintiffs,
7 and the defendant or defendants, as they appear in the papers and proceedings in the cause,
8 and if the defendants are sued as partners, the individual names of such defendants, and also
9 the partnership name shall be stated; (b) the amount of the judgment and the amount of the costs,
10 stating each separately; (c) the value of the specific property (if any) recovered by it, and the
11 damages, if any, for its detention; (d) the date of the judgment and the court in which, or the justice
12 by whom, the judgment was rendered. The abstract provided in this section shall include, to the
13 extent possible, the present address, the last four digits of the Social Security number, and the
14 date of birth of the judgment debtor, which information shall be made available for the purpose of
15 properly identifying the judgment debtor. Any clerk or justice who shall fail to deliver such abstract
16 as herein required shall, together with the sureties in his or her official bond, be liable to the person
17 injured by such failure for the amount of his or her injury, or such injured person may, at his or her
18 option, recover \$50 from such clerk or justice.

NOTE: The purpose of this bill is to require additional information in an abstract of judgment.

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