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WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SB 376

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 376

(SENATORS MINARD, JENKINS,
McCABE AND PLYMALE, *original sponsors*)

[Passed March 20, 2010; to take effect July 1, 2010.]

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CLERK OF THE SENATE
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(SENATORS MINARD, JENKINS, MCCABE AND PLYMALE, *original sponsors*)

[Passed March 20, 2010; to take effect July 1, 2010.]

AN ACT to amend and reenact §31-18-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §31A-2-4c of said code; to amend and reenact §38-1-8a of said code; to amend and reenact §44-13-4a of said code; and to amend and reenact §59-1-10 of said code, all relating to gathering, compilation and publication of residential mortgage foreclosure data; expanding the powers and duties of the West Virginia Housing Development Fund to include the receipt, compilation and publication of mortgage foreclosure data and reports contained in reports of salefiled by trustees with county clerks; providing the West Virginia Housing Development Fund with the authority to require additional information to be filed with the reports of sale; transferring the jurisdiction, powers and duties relative to the receiving, compiling into an electronic data base and making the data available from the Commissioner of Banking to the West Virginia Housing Development Fund; providing that mortgage financial data and reports

received by the Commissioner of Banking under the code provisions prior to the effective date be supplied to the West Virginia Housing Development Fund; providing that the portion of the fee paid for recording the trustee's report of sale that is paid by county clerks to the Division of Banking be paid to the West Virginia Housing Development Fund; and establishing an effective date of July 1, 2010.

Be it enacted by the Legislature of West Virginia:

That §31-18-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §31A-2-4C of said code be amended and reenacted; that §38-1-8a of said code be amended and reenacted; that §44-13-4a of said code be amended and reenacted; and that §59-1-10 of said code be amended and reenacted, all to read as follows:

CHAPTER 31. CORPORATIONS.

ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.

§31-18-6. Corporate powers.

1 The housing development fund is hereby granted, has
2 and may exercise all powers necessary or appropriate to
3 carry out and effectuate its corporate purpose, including,
4 but not limited to, the following:

5 (1) To make or participate in the making of federally
6 insured construction loans to sponsors of land develop-
7 ment, residential housing or nonresidential projects. Such
8 loans shall be made only upon determination by the
9 housing development fund that construction loans are not
10 otherwise available, wholly or in part, from private
11 lenders upon reasonably equivalent terms and conditions;

12 (2) To make temporary loans, with or without interest,
13 but with such security for repayment as the housing
14 development fund determines reasonably necessary and

15 practicable, from the operating loan fund, if created,
16 established, organized and operated in accordance with
17 the provisions of section nineteen of this article, to defray
18 development costs to sponsors of land development,
19 residential housing or nonresidential projects which are
20 eligible or potentially eligible for federally insured
21 construction loans, federally insured mortgages, federal
22 mortgages or uninsured construction loans or uninsured
23 mortgage loans;

24 (3) To make or participate in the making of long-term
25 federally insured mortgage loans to sponsors of land
26 development, residential housing or nonresidential
27 projects. Such loans shall be made only upon determina-
28 tion by the housing development fund that long-term
29 mortgage loans are not otherwise available, wholly or in
30 part, from private lenders upon reasonably equivalent
31 terms and conditions;

32 (4) To establish residential housing and nonresidential
33 and land development projects for counties declared to be
34 in a disaster area by the Federal Emergency Management
35 Agency or other agency or instrumentality of the United
36 States or this state;

37 (5) To accept appropriations, gifts, grants, bequests and
38 devises and to utilize or dispose of the same to carry out its
39 corporate purpose;

40 (6) To make and execute contracts, releases, compro-
41 mises, compositions and other instruments necessary or
42 convenient for the exercise of its powers, or to carry out its
43 corporate purpose;

44 (7) To collect reasonable fees and charges in connection
45 with making and servicing loans, notes, bonds, obligations,
46 commitments and other evidences of indebtedness, and in
47 connection with providing technical, consultative and
48 project assistance services;

49 (8) To invest any funds not required for immediate
50 disbursement in any of the following securities:

51 (i) Direct obligations of or obligations guaranteed by the
52 United States of America or for the payment of the
53 principal and interest on which the full faith and credit of
54 the United States of America is pledged;

55 (ii) Bonds, debentures, notes or other evidences of
56 indebtedness issued by any of the following agencies:
57 Banks for cooperatives; federal intermediate credit banks;
58 federal home loan bank system; export-import bank of the
59 United States; federal land banks; Tennessee valley
60 authority; United States postal service; inter-American
61 development bank; international bank for reconstruction
62 and development; small business administration; Washing-
63 ton metropolitan area transit authority; general services
64 administration; federal financing bank; federal home loan
65 mortgage corporation; student loan marketing association;
66 farmer's home administration; the federal national
67 mortgage association or the government national mort-
68 gage association; or any bond, debenture, note, participa-
69 tion certificate or other similar obligation to the extent
70 such obligations are guaranteed by the government
71 national mortgage association or federal national mort-
72 gage association or are issued by any other federal agency
73 and backed by the full faith and credit of the United
74 States of America;

75 (iii) Public housing bonds issued by public agencies or
76 municipalities and fully secured as to the payment of both
77 principal and interest by a pledge of annual contributions
78 under an annual contributions contract or contracts with
79 the United States of America; or temporary notes, prelimi-
80 nary loan notes, or project notes issued by public agencies
81 or municipalities, in each case, fully secured as to the
82 payment of both principal and interest by a requisition or
83 payment agreement with the United States of America;

84 (iv) Certificates of deposit, time deposits, investment
85 agreements, repurchase agreements or similar banking
86 arrangements with a member bank or banks of the federal
87 reserve system or a bank the deposits of which are insured
88 by the federal deposit insurance corporation, or its succes-
89 sor, or a savings and loan association or savings bank the
90 deposits of which are insured by the federal savings and
91 loan insurance corporation, or its successor, or government
92 bond dealers reporting to, trading with and recognized as
93 primary dealers by a federal reserve bank: *Provided*, That
94 such investments shall only be made to the extent insured
95 by the federal deposit insurance corporation or the federal
96 savings and loan insurance corporation or to the extent
97 that the principal amount thereof shall be fully collateral-
98 ized by obligations which are authorized investments for
99 the housing development fund pursuant to this section;

100 (v) Direct obligations of or obligations guaranteed by the
101 state of West Virginia;

102 (vi) Direct and general obligations of any other state,
103 municipality or other political subdivision within the
104 territorial United States: *Provided*, That at the time of
105 their purchase, such obligations are rated in either of the
106 two highest rating categories by a nationally recognized
107 bond-rating agency;

108 (vii) Any bond, note, debenture or annuity issued by any
109 corporation organized and operating within the United
110 States: *Provided*, That such corporation shall have a
111 minimum net worth of fifteen million dollars and its
112 securities or its parent corporation's securities are listed
113 on one or more of the national stock exchanges: *Provided*,
114 *however*, That: (1) Such corporation has earned a profit in
115 eight of the preceding ten fiscal years as reflected in its
116 statements; and (2) such corporation has not defaulted in
117 the payment of principal or interest on any of its outstand-
118 ing funded indebtedness during its preceding ten fiscal
119 years; and (3) the bonds, notes or debentures of such

120 corporation to be purchased are rated "AA" or the equiva-
121 lent thereof or better than "AA" or the equivalent thereof
122 by at least two or more nationally recognized rating
123 services such as Standard and Poor's, Dunn & Bradstreet,
124 Best's or Moody's;

125 (viii) If entered into solely for the purpose of reducing
126 investment, interest rate, liquidity or other market risks in
127 relation to obligations issued or to be issued or owned or
128 to be owned by the housing development fund, options,
129 futures contracts (including index futures but exclusive of
130 commodities futures, options or other contracts), standby
131 purchase agreements or similar hedging arrangements
132 listed by a nationally recognized securities exchange or a
133 corporation described in paragraph (vii) above;

134 (ix) Certificates, shares or other interests in mutual
135 funds, unit trusts or other entities registered under section
136 eight of the United States Investment Company Act of
137 1940, but only to the extent that the terms on which the
138 underlying investments are to be made prevent any more
139 than a minor portion of the pool which is being invested in
140 to consist of obligations other than investments permitted
141 pursuant to this section; and

142 (x) To the extent not inconsistent with the express
143 provisions of this section, obligations of the West Virginia
144 state board of investments or any other obligation autho-
145 rized as an investment for the West Virginia state board of
146 investments under article six, chapter twelve of this code
147 or for a public housing authority under article fifteen,
148 chapter sixteen of this code;

149 (9) To sue and be sued;

150 (10) To have a seal and alter the same at will;

151 (11) To make, and from time to time, amend and repeal
152 bylaws and rules and regulations not inconsistent with the
153 provisions of this article;

154 (12) To appoint such officers, employees and consultants
155 as it deems advisable and to fix their compensation and
156 prescribe their duties;

157 (13) To acquire, hold and dispose of real and personal
158 property for its corporate purposes;

159 (14) To enter into agreements or other transactions with
160 any federal or state agency, any person and any domestic
161 or foreign partnership, corporation, association or organi-
162 zation;

163 (15) To acquire real property, or an interest therein, in
164 its own name, by purchase or foreclosure, where such
165 acquisition is necessary or appropriate to protect any loan
166 in which the housing development fund has an interest
167 and to sell, transfer and convey any such property to a
168 buyer and, in the event of such sale, transfer or convey-
169 ance cannot be effected with reasonable promptness or at
170 a reasonable price, to lease such property to a tenant;

171 (16) To purchase or sell, at public or private sale, any
172 mortgage or other negotiable instrument or obligation
173 securing a construction, rehabilitation, improvement, land
174 development, mortgage or temporary loan;

175 (17) To procure insurance against any loss in connection
176 with its property in such amounts, and from such insurers,
177 as may be necessary or desirable;

178 (18) To consent, whenever it deems it necessary or
179 desirable in the fulfillment of its corporate purpose, to the
180 modification of the rate of interest, time of payment or any
181 installment of principal or interest, or any other terms, of
182 mortgage loan, mortgage loan commitment, construction
183 loan, rehabilitation loan, improvement loan, temporary
184 loan, contract or agreement of any kind to which the
185 housing development fund is a party;

186 (19) To make and publish rules and regulations respect-
187 ing its federally insured mortgage lending, uninsured
188 mortgage lending, construction lending, rehabilitation
189 lending, improvement lending and lending to defray
190 development costs and any such other rules and regula-
191 tions as are necessary to effectuate its corporate purpose;

192 (20) To borrow money to carry out and effectuate its
193 corporate purpose and to issue its bonds or notes as
194 evidence of any such borrowing in such principal amounts
195 and upon such terms as shall be necessary to provide
196 sufficient funds for achieving its corporate purpose, except
197 that no notes shall be issued to mature more than ten years
198 from date of issuance and no bonds shall be issued to
199 mature more than fifty years from date of issuance;

200 (21) To issue renewal notes, to issue bonds to pay notes
201 and, whenever it deems refunding expedient, to refund any
202 bonds by the issuance of new bonds, whether the bonds to
203 be refunded have or have not matured except that no such
204 renewal notes shall be issued to mature more than ten
205 years from date of issuance of the notes renewed and no
206 such refunding bonds shall be issued to mature more than
207 fifty years from the date of issuance;

208 (22) To apply the proceeds from the sale of renewal notes
209 or refunding bonds to the purchase, redemption or pay-
210 ment of the notes or bonds to be refunded;

211 (23) To make grants and provide technical services to
212 assist in the purchase or other acquisition, planning,
213 processing, design, construction, or rehabilitation, im-
214 provement or operation of residential housing, nonresiden-
215 tial projects or land development: *Provided*, That no such
216 grant or other financial assistance shall be provided
217 except upon a finding by the housing development fund
218 that such assistance and the manner in which it will be
219 provided will preserve and promote residential housing in

220 this state or the interests of this state in maintaining or
221 increasing employment or the tax base;

222 (24) To provide project assistance services for residential
223 housing, nonresidential projects and land development,
224 including, but not limited to, management, training and
225 social and other services;

226 (25) To promote research and development in scientific
227 methods of constructing low cost land development,
228 residential housing or nonresidential projects of high
229 durability including grants, loans or equity contributions
230 for research and development purposes: *Provided*, That no
231 such grant or other financial assistance shall be provided
232 except upon a finding by the housing development fund
233 that such assistance and the manner in which it will be
234 provided will preserve and promote residential housing in
235 this state or the interests of this state in maintaining and
236 increasing employment and the tax base;

237 (26) With the proceeds from the issuance of notes or
238 bonds of the housing development fund, including, but not
239 limited to, mortgage finance bonds, or with other funds
240 available to the housing development fund for such
241 purpose, to participate in the making of or to make loans
242 to mortgagees approved by the housing development fund
243 and take such collateral security therefor as is approved
244 by the housing development fund and to invest in, pur-
245 chase, acquire, sell or participate in the sale of, or take
246 assignments of, notes and mortgages, evidencing loans for
247 the construction, rehabilitation, improvement, purchase or
248 refinancing of land development, residential housing or
249 nonresidential projects in this state: *Provided*, That the
250 housing development fund shall obtain such written
251 assurances as shall be satisfactory to it that the proceeds
252 of such loans, investments or purchases will be used, as
253 nearly as practicable, for the making of or investment in
254 long-term federally insured mortgage loans or federally

255 insured construction loans, uninsured mortgage loans or
256 uninsured construction loans, for land development,
257 residential housing or nonresidential projects or that other
258 moneys in an amount approximately equal to such pro-
259 ceeds shall be committed and used for such purpose;

260 (27) To make or participate in the making of uninsured
261 construction loans for land development, residential
262 housing or nonresidential projects. Such loans shall be
263 made only upon determination by the housing develop-
264 ment fund that construction loans are not otherwise
265 available, wholly or in part, from private lenders upon
266 reasonably equivalent terms and conditions;

267 (28) To make or participate in the making of long-term
268 uninsured mortgage loans for land development, residen-
269 tial housing or nonresidential projects. Such loans shall
270 be made only upon determination by the housing develop-
271 ment fund that long-term mortgage loans are not other-
272 wise available, wholly or in part, from private lenders
273 upon reasonably equivalent terms and conditions;

274 (29) To obtain options to acquire real property, or any
275 interest therein, in its own name, by purchase, or lease or
276 otherwise, which is found by the housing development
277 fund to be suitable, or potentially suitable, as a site, or as
278 part of a site, for land development or the construction of
279 residential housing or nonresidential projects; to hold such
280 real property or to acquire by purchase or otherwise and
281 to transfer by sale or otherwise any ownership or equity
282 interests in any other legal entity which holds such real
283 property; to finance the performance of land development,
284 residential housing or nonresidential projects on or in
285 connection with any such real property or to perform land
286 development, residential housing or nonresidential
287 projects on or in connection with any such real property;
288 to own, operate and sponsor or participate in the sponsor-
289 ship of land development, residential housing or nonresi-

290 dential projects; or to sell, transfer and convey, lease or
291 otherwise dispose of such real property, or lots, tracts or
292 parcels of such real property, for such prices, upon such
293 terms, conditions and limitations, and at such time or
294 times as the housing development fund shall determine;

295 (30) To make loans, with or without interest, but with
296 such security for repayment as the housing development
297 fund determines reasonably necessary and practicable
298 from the land development fund, if created, established,
299 organized and operated in accordance with the provisions
300 of section twenty-a of this article, to sponsors of land
301 development, to defray development costs and other costs
302 of land development;

303 (31) To exercise all of the rights, powers and authorities
304 of a public housing authority as set forth and provided in
305 article fifteen, chapter sixteen of this code, in any area or
306 areas of the state which the housing development fund
307 shall determine by resolution to be necessary or appropri-
308 ate;

309 (32) To provide assistance to urban renewal projects in
310 accordance with the provisions of section twenty-eight,
311 article eighteen, chapter sixteen of this code and in so
312 doing to exercise all of the rights, powers and authorities
313 granted in this article or in said article, in and for any
314 communities of the state which the housing development
315 fund shall determine by resolution to be necessary or
316 appropriate;

317 (33) To make or participate in the making of loans for
318 the purpose of rehabilitating or improving existing
319 residential and temporary housing or nonresidential
320 projects, or to owners of existing residential or temporary
321 housing for occupancy by eligible persons and families for
322 the purpose of rehabilitating or improving such residential
323 or temporary housing or nonresidential projects and, in
324 connection therewith, to refinance existing loans involving

325 the same property. Such loans shall be made only upon
326 determination by the housing development fund that
327 rehabilitation or improvement loans are not otherwise
328 available, wholly or in part, from private lenders upon
329 reasonably equivalent terms and conditions;

330 (34) Whenever the housing development fund deems it
331 necessary in order to exercise any of its powers set forth in
332 subdivision (29) of this section, and upon being unable to
333 agree with the owner or owners of real property or interest
334 therein sought to be acquired by the fund upon a price for
335 acquisition of private property not being used or operated
336 by the owner in the production of agricultural products, to
337 exercise the powers of eminent domain in the acquisition
338 of such real property or interest therein in the manner
339 provided under chapter fifty-four of this code, and the
340 purposes set forth in said subdivision are hereby declared
341 to be public purposes for which private property may be
342 taken. For the purposes of this section, the determination
343 of "use or operation by the owner in the production of
344 agricultural products" means that the principal use of
345 such real estate is for the production of food and fiber by
346 agricultural production other than forestry, and the fund
347 shall not initiate or exercise any powers of eminent
348 domain without first receiving an opinion in writing from
349 both the governor and the commissioner of agriculture of
350 this state that at the time the fund had first attempted to
351 acquire such real estate or interest therein, such real estate
352 or interest therein was not in fact being used or operated
353 by the owner in the production of agricultural products;

354 (35) To acquire, by purchase or otherwise, and to hold,
355 transfer, sell, assign, pool or syndicate, or participate in
356 the syndication of, any loans, notes, mortgages, securities
357 or debt instruments collateralized by mortgages or inter-
358 ests in mortgages or other instruments evidencing loans or
359 equity interests in or for the construction, rehabilitation,
360 improvement, renovation, purchase or refinancing of land

361 development, residential housing and nonresidential
362 projects in this state; and

363 (36) To form one or more nonprofit corporations, whose
364 board of directors shall be the same as the board of
365 directors of the housing development fund, which shall be
366 authorized and empowered to carry out any or all of the
367 corporate powers or purposes of the housing development
368 fund, including, without limitation, acquiring limited or
369 general partnership interests and other forms of equity
370 ownership.

371 (37) To receive and compile data into an electronic
372 database and make available the raw mortgage foreclosure
373 data that is required to be reported to county clerks by
374 trustees pursuant to the provisions of section eight-a,
375 article one, chapter thirty-eight of this code, including all
376 data that has been received by the banking commissioner
377 pursuant to subsection (a) of section four-c, article two,
378 chapter thirty-one-a of this code, as of the effective date
379 of the effective date of the amendments made to said
380 section during the regular session of the 2010 legislature.
381 This information shall be periodically forwarded by
382 county clerks to the housing development fund, in accor-
383 dance with the provisions of section four-a, article thir-
384 teen, chapter forty-four of this code.

CHAPTER 31A. BANKS AND BANKING

ARTICLE 2. DIVISION OF BANKING.

§31A-2-4c. County Clerk to file reports of trustees regarding sales of residential real property pursuant to deeds of trust and forward to the banking commissioner; transfer of powers and duties relating to reports of trustees to the West Virginia Housing Development Fund.

1 (a) In addition to the jurisdiction, powers, and duties set
2 out in section four of this article, the banking commis-

3 sioner is vested with the jurisdiction, powers and duties to
4 receive and compile the data into an electronic database
5 and make available the raw data that is required to be
6 reported by trustees to county clerks pursuant to section
7 eight-a, article one, chapter thirty-eight of the Code of
8 West Virginia. The commissioner has the power to pro-
9 mulgate rules in accordance with this section and the
10 provisions of article three, chapter twenty-nine-a of this
11 code in order to carry out the requirements of this section.
12 The commissioner is authorized to expend funds for this
13 purpose.

14 (b) On and after July 1, 2010, the jurisdiction, powers
15 and duties vested in the banking commissioner in subsec-
16 tion (a) of this section are hereby transferred and imposed
17 upon the West Virginia Housing Development Fund
18 established in article eighteen, chapter thirty-one of this
19 code and all data that has been received and compiled by
20 the banking commissioner pursuant to subsection (a) of
21 this section shall be transferred to the West Virginia
22 Housing Development Fund.

CHAPTER 38. LIENS

ARTICLE 1. VENDOR'S AND TRUST DEED LIENS.

§38-1-8a. Reports by Trustee to County Clerk; additional information to be filed with report of sale.

1 (a) This section applies to deeds of trust if the property
2 conveyed therein includes real property that is occupied,
3 or is intended to be occupied as a residence by the grantor
4 at time the deed of trust is executed and delivered.

5 (b) Beginning July 1, 2009, when a report of the sale of
6 the property sold pursuant to a deed of trust is placed of
7 record by the trustee with the clerk of the county commis-
8 sion as provided in section eight of this article, the trustee
9 shall include the following information on a disclosure
10 form submitted with and made a part of the report of sale:

- 11 (1) Name or names of the grantor of the deed of trust;
- 12 (2) Street address, city, state and zip code of real prop-
13 erty subject to the trust;
- 14 (3) Original trustee name;
- 15 (4) Substitute trustee name, if any, and date of appoint-
16 ment;
- 17 (5) The address, telephone number and electronic contact
18 information for the trustee making the sale;
- 19 (6) Date, time and place advertised for sale;
- 20 (7) Name of original secured lender;
- 21 (8) Current holder of deed of trust, and the current
22 holder's address;
- 23 (9) Original principal amount of the secured debt;
- 24 (10) Original interest rate;
- 25 (11) Whether the loan was adjustable and if so current
26 rate;
- 27 (12) Total secured indebtedness at time of sale;
- 28 (13) The number of months the loan is delinquent at time
29 of notice of sale; and
- 30 (14) The date, time and place of sale;
- 31 (15) The name of the purchaser;
- 32 (16) The appraised value at the time of loan, if available;
- 33 (17) The net amount applied to the secured loan;
- 34 (18) The date the report of sale is recorded; and
- 35 (19) Any other information the West Virginia Housing
36 Development Fund may require.

37 (c) The West Virginia Housing Development Fund
38 established in article eighteen, chapter thirty-one of this
39 code shall publish a form setting out the information
40 required by subsection (b) and instructions as to how this
41 information is to be filed with the report of sale.

42 (d) Notwithstanding any other provision of this code,
43 nothing in this section shall be deemed to create a respon-
44 sibility by the West Virginia Housing Development Fund
45 to provide any report other than a compilation into an
46 electronic data base of the data that is required to be
47 submitted pursuant to subsection (b) of this section and
48 the compiled raw data submitted from each county clerk.
49 The West Virginia Housing Development Fund is not
50 required to verify and is not responsible for the veracity of
51 the accuracy of the data submitted.

52 (e) Failure to comply with this the provisions of this
53 section shall not affect the validity of the sale or the title
54 to the property sold by the trustee.

**CHAPTER 44. ADMINISTRATION OF
ESTATES AND TRUSTS.**

**ARTICLE 13. POWERS AND DUTIES OF CLERKS OF COUNTY COURTS IN
COUNTIES HAVING SEPARATE TRIBUNAL FOR POLICE
AND FISCAL PURPOSES.**

§44-13-4a. Reporting of foreclosure statistics.

1 Beginning with the third quarter of 2010, the clerk of
2 each county commission shall file quarterly with the West
3 Virginia Housing Development Fund established in article
4 eighteen, chapter thirty-one of this code the disclosure
5 forms of deed of trust foreclosure sales that were recorded
6 in that county for the preceding calendar year quarter. Up
7 until that time, through the second quarter of 2010, such
8 quarterly reports shall be filed with the Division of
9 Banking. The reports shall be filed within fifteen days of
10 the last day of September, December, March and June of

11 each year. The reports shall be filed in electronic format,
12 where possible.

**CHAPTER 59. FEES, ALLOWANCES AND COSTS;
NEWSPAPERS; LEGAL ADVERTISEMENTS.**

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-10. Fees to be charged by clerk of county commission.

1 For the purpose of this section, the word "page" is
2 defined as being a paper or electronic writing of not more
3 than legal size, 8 1/2" x 14".

4 The clerk of the county commission shall charge and
5 collect the following fees:

6 (a) When a writing is admitted to record, for receiving
7 proof of acknowledgment thereof, entering an order in
8 connection therewith, endorsing clerk's certificate of
9 recordation thereon and indexing in a proper index, where
10 the writing is a:

11 (1) Deed of conveyance (with or without a plat), trust
12 deed, fixture filing or security agreement concerning real
13 estate lease, \$15.

14 (2) Trustee's report of sale for any property for which
15 additional information and filing requirements are
16 required by section eight-a, article one, chapter thirty-
17 eight of this code, \$40: *Provided*, That \$20 of each record-
18 ing fee received pursuant to this subdivision shall be
19 deposited into the county's General Revenue Fund and \$20
20 of each of the aforesaid recording fees shall be paid
21 quarterly by the clerk of the county commission to the
22 West Virginia Housing Development Fund established in
23 article eighteen, chapter thirty-one of this code.

24 (3) Financing, continuation, termination or other
25 statement or writing permitted to be filed under chapter
26 forty-six of this code, \$10.

27 (4) Plat or map (with no deed of conveyance), \$10.

28 (5) Service discharge record, no charge.

29 (6) Any document or writing other than those referenced
30 in subdivisions (1), (2), (3), (4) and (5) of this subsection,
31 \$10.

32 (7) If any document or writing contains more than five
33 pages, for each additional page, \$1.

34 For any of the documents admitted to record pursuant to
35 this subsection, if the clerk of the county commission has
36 the technology available to receive these documents in
37 electronic form or other media, the clerk shall set a
38 reasonable fee to record these writings not to exceed the
39 cost for filing paper documents.

40 (8) Of the fees collected pursuant to subdivision (1),
41 subsection (a) of this section, \$10 shall be deposited in the
42 county general fund in accordance with section twenty-
43 eight of this article and \$1 shall be deposited in the county
44 general fund and dedicated to the operation of the county
45 clerk's office. Four dollars of the fees collected pursuant
46 to subdivision (1), subsection (a) of this section and \$5 of
47 the fees collected pursuant to subdivision (6), subsection
48 (a) of this section shall be paid by the county clerk into the
49 state Treasury and deposited in equal amounts for deposit
50 into the Farmland Protection Fund created in article
51 twelve, chapter eight-a of this code for the benefit of the
52 West Virginia Agricultural Land Protection Authority and
53 into the Outdoor Heritage Conservation Fund created in
54 article two-g, chapter five-b of this code: *Provided*, That
55 the funds deposited in the state Treasury pursuant to this
56 subdivision may only be used for costs, excluding person-
57 nel costs, associated with purpose of land conservation, as
58 defined in subsection (f), section seven, article two-g,
59 chapter five-b of this code.

60 (b) For administering any oath other than oaths by
61 officers and employees of the state, political subdivisions
62 of the state or a public or quasi-public entity of the state
63 or a political subdivision of the state, taken in his or her
64 official capacity, \$5.

65 (c) For issuance of marriage license and other duties
66 pertaining to the marriage license (including preparation
67 of the application, administering the oath, registering and
68 recording the license, mailing acknowledgment of minis-
69 ter's return to one of the licensees and notification to a
70 licensee after sixty days of the nonreceipt of the minister's
71 return), \$35.

72 (1) One dollar of the marriage license fee received
73 pursuant to this subsection shall be paid by the county
74 clerk into the state Treasury as a state registration fee in
75 the same manner that license taxes are paid into the
76 Treasury under article twelve, chapter eleven of this code;

77 (2) Fifteen dollars of the marriage license fee received
78 pursuant to this subsection shall be paid by the county
79 clerk into the state Treasury for the Family Protection
80 Shelter Support Act in the same manner that license taxes
81 are paid into the Treasury under article twelve, chapter
82 eleven of this code;

83 (3) Ten dollars of the marriage license fee received
84 pursuant to this subsection shall be deposited in the
85 Courthouse Facilities Improvement Fund created by
86 section six, article twenty-six, chapter twenty-nine of this
87 code.

88 (d) (1) For a copy of any writing or document, if it is not
89 otherwise provided for, \$1.50.

90 (2) If the copy of the writing or document contains more
91 than two pages, for each additional page, \$1.

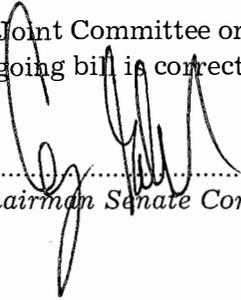
92 (3) For annexing the seal of the commission or clerk to
93 any paper, \$1.

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94 (4) For a certified copy of a birth certificate, death
95 certificate or marriage license, \$5.

96 (e) For copies of any record in electronic form or a
97 medium other than paper, a reasonable fee set by the clerk
98 of the county commission not to exceed the costs associ-
99 ated with document search and duplication.

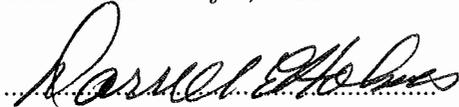
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

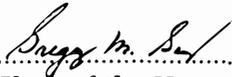

.....
Chairman Senate Committee

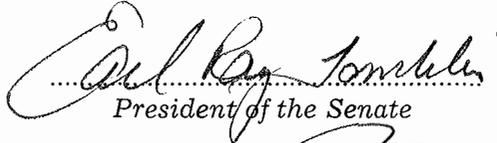

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Chairman House Committee

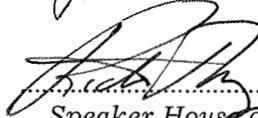
Originated in the Senate.

Takes effect July 1, 2010.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


.....
Speaker House of Delegates

The within *is approved* this the *2nd* Day of *July*, 2010.


.....
Governor

PRESENTED TO THE
GOVERNOR

APR 01 2010

Time 4:15 pm