

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 3428**

By Delegate Holstein

[Introduced March 17, 2025; referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §39-1-2 of the Code of West Virginia, 1931, as amended, relating to  
2 authentication and recordation of writings; and requiring purchasers of real property to  
3 record their deed within three months upon closing of the transaction.

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

## **ARTICLE 1. AUTHENTICATION AND RECORD OF WRITINGS.**

### **§39-1-2. Conditions under which county clerk shall admit deeds, contracts, etc., to record.**

1 The clerk of the county court of any county in which any deed, contract, power of attorney,  
2 or other writing is to be, or may be, recorded, shall admit the same to record in his or her office, as  
3 to any person whose name is signed thereto, when it shall have been acknowledged by him or her,  
4 or proved by two witnesses as to him or her, before such clerk of the county court.

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

15 Any purchaser of real property shall record the deed with the clerk of the county court  
16 pursuant to this article no later than three months upon the closing of the transaction.

NOTE: The purpose of this bill is to require purchaser of real property to record their deeds within three months of closing.

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