

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 102

BY SENATOR WELD

[Passed April 12, 2025; in effect 90 days from
passage (July 11, 2025)]

1 AN ACT to amend and reenact §39-1-2 of the Code of West Virginia, 1931, as amended, relating
2 to modifying the form of deeds; and requiring that any quitclaim deed without consideration
3 or any deed effecting the transfer of real property where the value of the property
4 transferred is \$100 or less for which no excise tax is paid is signed by the grantee or
5 proved by two witnesses as to the grantee before a clerk of the county commission, with
6 certain exceptions for transfers on death and between family members.

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 (a) The clerk of the county commission of any county in which any deed, contract, power
2 of attorney, or other writing is to be, or may be, recorded, shall admit the same to record in the
3 clerk's office, as to any person whose name is signed thereto, when it shall have been
4 acknowledged by such person or proved by two witnesses as to such person before such clerk
5 of the county commission.

6 (b) Notwithstanding the requirements of subsection (a) of this section:

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

16 (2) The clerk shall not admit to record any quitclaim deed without consideration or any
17 deed effecting the transfer of real property where the value of the property transferred is \$100 or

18 less for which no excise tax on the privilege of transferring real property on such instrument is
19 paid under §11-22-1 *et seq.* of this code unless the instrument has been signed by the grantee
20 thereon and acknowledged by the grantee or proved by two witnesses as to the grantee before
21 such clerk of the county commission: *Provided*, That the clerk shall admit to record any transfer
22 on death deed made pursuant to §39-12-1 *et seq.* of this code, and transfers between husband
23 and wife, transfers between parent and child, transfers between parent and child and his or her
24 spouse, transfers between grandparent and grandchild, or transfers between grandparent and
25 grandchild and his or her spouse, which are without consideration or for consideration of less than
26 \$2,000, that have not been signed by the grantee thereon. Any deed recorded in violation of this
27 section is void and no interest transfers to grantee under such recorded deed.

The Clerk of the Senate and the Clerk of the House of Delegates hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

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Governor