

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4706**

By Delegates Holstein and T. Howell

[Introduced January 21, 2026; referred to the

Committee on the Judiciary]

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, contacts, etc., to record.**

1 (a) The clerk of the county commission of any county in which any deed, contract, power of  
2 attorney, or other writing is to be, or may be, recorded, shall admit the same to record in the clerk's  
3 office, as to any person whose name is signed thereto, when it shall have been acknowledged by  
4 such person or proved by two witnesses as to such person before such clerk of the county  
5 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 by  
15 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 paid  
19 under §11-22-1 *et seq.* of this code unless the instrument has been signed by the grantee thereon  
20 and acknowledged by the grantee or proved by two witnesses as to the grantee before such clerk

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

28 (c) Any purchaser of real property shall record the deed with the clerk of the county court  
29 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.