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HOUSE BILL NO. 1909

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 7, 2007)

(Patron Prior to Substitute—Delegate Albo)

*A BILL to amend and reenact § 17.1-223 of the Code of Virginia, relating to recordation of deeds.***Be it enacted by the General Assembly of Virginia:****1. That § 17.1-223 of the Code of Virginia is amended and reenacted as follows:**

§ 17.1-223. Duty of clerk to record writings, etc., and make index.

A. Every writing authorized by law to be recorded, with all certificates, plats, schedules or other papers thereto annexed or thereon endorsed, upon payment of fees for the same and the tax thereon, if any, shall, when admitted to record, be recorded by or under the direction of the clerk on such media as are prescribed by § 17.1-239. However, the clerk ~~may refuse to accept~~ *has the authority to reject* any writing for filing or recordation unless (i) each individual's surname only, where it first appears in the writing, is underscored or written entirely in capital letters, (ii) each page of the instrument or writing is numbered, (iii) the Code section under which any exemption from recordation taxes is claimed is clearly stated on the face of the writing, (iv) the names of all grantors and grantees are listed as required by §§ 55-48 and 55-58, and (v) the first page of the document bears an entry showing the name of either the person or entity who drafted the instrument, except that papers or documents prepared outside of the Commonwealth shall be recorded without such an entry. *Such writing, once recorded, shall be returned to the grantee unless otherwise indicated clearly on the face of the writing including an appropriate current address to which such writing shall be returned.*

~~B. No deed shall be accepted for record by the clerk unless it is accompanied by a current business or residence address of the grantee or a designee. The person or entity submitting the attorney or party who prepares the writing for recordation shall ensure that the writing satisfies the requirements of subsection A and that (i) the social security number is removed from the writing prior to the instrument being submitted for recordation, (ii) a deed or deed of trust conveying not more than four residential dwelling units may state states on the first page of the document the name of the title insurance underwriter insuring such instrument and the title insurance policy number or a statement that there is no the existence of title insurance in effect with respect to the document or a statement that such identifying number is not available or is unknown is unknown to the preparer.~~

C. If the writing or deed is accepted for record and spread on the deed books, it shall be deemed to be validly recorded for all purposes. Such books shall be indexed by him as provided by § 17.1-249 and carefully preserved. Upon admitting any such writing or other paper to record the clerk shall endorse thereon the day and time of day of such recordation. More than one book may be used contemporaneously under the direction of the clerk for the recordation of the writings mentioned in this section whenever it may be necessary to use more than one book for the proper conduct of the business of his office. After being so recorded such writings may be delivered to the party entitled to claim under the same.