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HOUSE BILL NO. 1515

Offered January 11, 2017

Prefiled December 22, 2016

A BILL to amend and reenact §§ 58.1-3303, 58.1-3360.1, 58.1-3361, and 64.2-510 of the Code of Virginia, relating to electronic transfer of certain documents from circuit court clerks.

Patron—Leftwich

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3303, 58.1-3360.1, 58.1-3361, and 64.2-510 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3303. Clerks to forward copies of certain receipts and make certain reports regarding deeds and property transfers to local commissioners and Department.

The clerk of every circuit court shall, before the fifteenth of each month, forward to the commissioner of revenue for his county or city and to the Department a copy of the recordation receipt for all deeds for the partition and conveyance of land, other than deeds of trust and mortgages, made to secure the payment of debts, which have been admitted to record in the clerk's office of such court within the month next preceding. In lieu of a printed paper copy of the recordation receipt, the Department shall accept the monthly electronic transfer of the recordation receipt copy on magnetic tape or other media acceptable to the Department. The receipt shall state the date of the deed, when admitted to record, the name of the grantor and grantee, the address of the grantee, given pursuant to § 17.1-223, and the description, quantity and specified value of land conveyed. Such clerk shall, at the same time, forward to the commissioner and the Department a list of all lands acquired in fee simple by the Commonwealth, through condemnation proceedings, and shall give the names of the persons from whom acquired, the dates of confirmation of the commissioners' reports in such proceedings, the quantity of land acquired in each case, the value thereof as specified in the reports and a description of each such tract. *In lieu of a printed paper copy of such list, the clerk may provide an electronic list or secure remote electronic access to such list to the commissioner for his county or city and to the Department.*

The commissioner shall, upon receipt of any such receipt, promptly and carefully check the same against the records in the office of the clerk who furnished the same and, if he finds any errors in the receipt or list, he shall make proper correction thereof.

§ 58.1-3360.1. Clerk to furnish certificate of land acquired; contents of certificate; certificate as authority to receive and prorate taxes.

The clerk of the court of the county or city in which is recorded the transfer of title to such property shall furnish a certificate to the county or city treasurer showing the quantity of land so taken or acquired, and whether by the Commonwealth or any political subdivision thereof; a church or religious body that is exempt from taxation by Article X, Section 6 of the Constitution of Virginia; a surviving spouse of a member of the armed forces of the United States who was killed in action for that portion of the property that is exempt from taxation pursuant to § 58.1-3219.9; or a disabled veteran for that portion of the property that is exempt from taxation pursuant to § 58.1-3219.5, the name of the former owner and a description of the property and the district or ward in which the property is situated, also the date of the recordation of the deed or order by which such property was taken or acquired by the Commonwealth or any political subdivision thereof or any such church or religious body, as shown by the records in his office. Such certificate shall be sufficient evidence to the county and city treasurers to authorize them to receive and prorate the taxes and levies as herein authorized. *In lieu of a printed paper copy of such certificate, the clerk may provide an electronic certificate or secure remote electronic access to such certificate to his county or city treasurer.*

§ 58.1-3361. Clerk to furnish lists of such lands.

The clerk of the court of the county or city in which the lands described in § 58.1-3360 lie shall furnish a certificate to the Comptroller and to the county or city treasurer, showing the quantity of land taken or acquired by the government or religious body, the name of the former owner and a description of the date of the recordation of the deed by which such lands were so taken or acquired as shown by the records in his office. Such certificate shall be sufficient evidence to county and city treasurers and city collectors to authorize them to receive and prorate the taxes and levies as herein authorized. *In lieu of a printed paper copy of such certificate, the clerk may provide an electronic certificate or secure remote electronic access to such certificate to the Comptroller and his county or city treasurer.*

§ 64.2-510. Affidavit relating to real estate of intestate decedent.

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59 A. Any person having an interest in real estate that is part of an intestate decedent's estate, including
60 a personal representative who has qualified, may execute an affidavit, on a form provided to each clerk
61 of the court by the Office of the Executive Secretary of the Supreme Court or a computer-generated
62 facsimile thereof, setting forth briefly (i) a description of the real estate owned by the decedent at the
63 time of his death situated within the jurisdiction where the affidavit is to be recorded; (ii) that the
64 decedent died intestate; and (iii) the names and last known addresses of the decedent's heirs at law. The
65 clerk of the circuit court of the jurisdiction where such real estate or any part thereof is located shall
66 record and index the affidavit as wills are recorded and indexed in the name of the decedent and the
67 heirs.

68 B. The clerk of the circuit court of the jurisdiction where the affidavit is recorded shall transmit an
69 abstract of the affidavit to the commissioner of the revenue of such jurisdiction. *In lieu of a printed*
70 *paper copy of such abstract, the clerk may provide an electronic certificate or secure remote electronic*
71 *access to such certificate to the commissioner.* Upon receipt of the affidavit, the commissioner may
72 transfer the real estate upon the land books and assess the real estate in accordance therewith.