

20104616D

**HOUSE BILL NO. 788**

Offered January 8, 2020

Prefiled January 7, 2020

*A BILL to amend and reenact §§ 55.1-300 and 58.1-810 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 55.1-300.1, relating to restrictive covenants, deeds of reformation.*

Patrons—Bagby, Aird and Price

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 55.1-300 and 58.1-810 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 55.1-300.1 as follows:**

**§ 55.1-300. Form of a deed.**

Every deed and corrected or amended deed may be made in the following form, or to the same effect: "This deed, made the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, between (here insert names of parties as grantors or grantees), witnesseth: that in consideration of (here state the consideration, nominal or actual), the said \_\_\_\_\_ does (or do) grant (or grant and convey) unto the said \_\_\_\_\_, all (here describe the property or interest therein to be conveyed, including the name of the city or county in which the property is located, and insert covenants or any other provisions). Witness the following signature (or signatures)."

*No deed recorded on or after July 1, 2020, shall contain a reference to a restrictive covenant prohibited by subsection A of § 36-96.6. The clerk may refuse to accept any deed submitted for recordation that references any such restrictive covenant. The attorney who prepares or submits a deed for recordation has the responsibility for ensuring that such a restrictive covenant is not referenced in the deed prior to such deed being submitted for recordation. Any deed that is recorded in the land records on or after July 1, 2020, that mistakenly contains such a restrictive covenant shall nevertheless constitute a valid transfer of real property.*

**§ 55.1-300.1. Deed of reformation.**

*A deed of reformation to remove a restrictive covenant prohibited by subsection A of § 36-96.6 may be recorded prior to the recordation of a deed of conveyance of legal title of the real property containing such restrictive covenant or as a separate instrument without transfer of such real property. No consideration shall be required for such deed. No fee or tax shall be charged for recordation of a deed of reformation.*

*A deed of reformation made between a grantor and grantee prior to the conveyance of legal title of the real property containing the restrictive covenant may be made in the following form, or to the same effect: "This deed of reformation, made the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, between (here insert names of parties as grantors or grantees), witnesseth: that the (grantor(s)) \_\_\_\_\_ convey(s) unto the (grantee(s)) \_\_\_\_\_, this deed of reformation to remove \_\_\_\_\_ (here insert a description of the restrictive covenant prohibited by § 36-96.6) from the title of \_\_\_\_\_ (here insert the property description of the property from which the restrictive covenant is to be removed), to be recorded among the land records in the Office of the Clerk of the Circuit Court of \_\_\_\_\_ (here insert the locality in which the property or interest therein to be conveyed is located). Witness the following signature (or signatures)."*

*A deed of reformation made as a separate instrument may be made in the following form, or to the same effect: "This deed of reformation, made the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, by (here insert name of property owner), witnesseth: that this deed of reformation to remove \_\_\_\_\_ (here insert a description of the restrictive covenant prohibited by § 36-96.6) from the title of \_\_\_\_\_ (here insert the property description of the property from which the restrictive covenant is to be removed) be recorded among the land records in the Office of the Clerk of the Circuit Court of \_\_\_\_\_ (here insert the locality in which the property is located). Witness the following signature (or signatures)."*

**§ 58.1-810. What other deeds not taxable.**

When the tax has been paid at the time of the recordation of the original deed, no additional recordation tax shall be required for admitting to record:

1. A deed of confirmation;
2. A deed of correction;
3. A deed to which a husband and wife are the only parties;
4. A deed arising out of a contract to purchase real estate; if the tax already paid is less than a

59 proper tax based upon the full amount of consideration or actual value of the property involved in the  
60 transaction, an additional tax shall be paid based on the difference between the full amount of such  
61 consideration or actual value and the amount on which the tax has been paid; ~~or~~  
62 5. A notice of assignment of a note secured by a deed of trust or mortgage; *or*  
63 6. A deed of reformation pursuant to § 55.1-300.1.