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SENATE BILL NO. 863

Offered January 14, 1997

A BILL to amend and reenact §§ 8.01-446, 8.01-449, 17-60, 17-70.1, and 55-66.4:2 of the Code of Virginia, relating to recording certain documents; how recorded; recordation by electronic means.

Patron—Trumbo

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-446, 8.01-449, 17-60, 17-70.1, and 55-66.4:2 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-446. Clerks to keep judgment dockets; what judgments to be docketed therein.

The clerk of each court of every circuit shall keep in his office, in a well-bound book, a judgment docket, in which he shall docket, without delay, any judgment for a specific amount of money rendered in his court, and shall likewise docket without delay any judgment for a specific amount of money rendered in this Commonwealth by any other court of this Commonwealth or federal court, when he shall be required so to do by any person interested, on such person delivering to him an authenticated legible abstract of it and also upon the request of any person interested therein, any such judgment rendered by a district court judge whose book has been filed in his office under the provisions of Title 16.1 or of which a legible abstract is delivered to him certified by the district court judge who rendered it; provided, that judgments docketed in the clerk's office of the Circuit Court of the City of Williamsburg and the County of James City shall be docketed and indexed in one book; ~~and provided further that the clerk of the circuit court of any county using card files on July 1, 1975, in lieu of a book may continue to use the card file system.~~ A specific judgment for money shall state that it is a judgment for money in a specific amount in favor of a named party, against a named party, with that party's address, if known, and it shall further state the time from which the judgment bears interest. An order of restitution docketed pursuant to § 19.2-305.2 shall have the same force and effect as a specific judgment for money and shall state that it is an order of restitution in a specific amount in favor of a named party, against a named party, with that party's address, if known, and it shall further state the time from which the judgment bears interest. If the clerk determines that an abstract is not legible, the clerk shall refuse to record it and shall return it to the person who tendered the abstract for recording.

§ 8.01-449. How judgments are docketed.

~~The judgment docket required by § 8.01-446 may be kept in a well bound book, or any other media permitted by § 17-70.1. The date and time of docketing shall be recorded with each judgment docketed. The clerk of the circuit court of any county using card files on July 1, 1975, may continue to use the card file system. The docketing may be done by copying the wording of the judgment order verbatim or by abstracting the information therefrom into fixed columns of a book or into fixed fields of an electronic data storage system. Where a procedural microphotographic system is used, the docketing may be done by recording and storing a retrievable image of the judgment order, judgment abstract, or other source document such as a certificate of assignment or release. Where an electronic imaging system is used, the document image may be stored in a data format which permits recall of the image.~~

Where a well bound book is used for the judgment docket there shall be stated in separate columns (i) the date and amount of the judgment, (ii) the time from which it bears interest, (iii) the costs, the full names of all the parties thereto, including the address, date of birth and social security number, if known, of each party against whom judgment is rendered, (iv) the alternative value of any specific property recovered by it, (v) the date and the time of docketing it, (vi) the amount and date of any credits thereon, (vii) the court by which it was rendered and the case number, and (viii) when paid off or discharged in whole or in part, the time of payment or discharge and by whom made when there is more than one defendant. And in case of a judgment or decree by confession, the clerk shall also enter in such docket the time of day at which the same was confessed, or at which the same was received in his office to be entered of record. There shall also be shown on such book the name of the plaintiff's attorney, if any.

Error or omission in the entry of the address or addresses or the social security number or numbers of each party against whom judgment is rendered shall in no way affect the validity, finality or priority of the judgment docketed. ~~The clerk may maintain the docket on computer, word processor, microfilm, microfiche, or other micrographic process.~~

§ 17-60. Documents to be recorded in deed books.

All deeds, deeds of trust, deeds of release, certificates of satisfaction or certificates of partial

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60 satisfaction, quitclaim deeds, homestead deeds, grants, transfers and mortgages of real estate, releases of
61 such mortgages, powers of attorney to convey real estate, leases of real estate, notices of lis pendens and
62 all contracts in reference to real estate, which have been acknowledged as required by law, and certified
63 copies of final judgments or decrees of partition affecting the title or possession of real estate, any part
64 of which is situated in the county or city in which it is sought to be recorded, and all other writings
65 relating to or affecting real estate which are authorized to be recorded, shall, unless otherwise provided,
66 be recorded in a book to be known as the deed book. All deeds, deeds of trust, deeds of release,
67 quitclaim deeds, grants, transfers, and mortgages of real estate or any addendum or memorandum
68 relating to any of these instruments submitted for recordation in the deed books of the appropriate office
69 of the clerk of court shall be prepared according to the requirements for deeds as set forth in §§ 55-48
70 and 55-58 and shall include the names of all grantors and grantees in the first clause of each such
71 instrument. Each instrument shall be indexed under all such names in accordance with the provisions of
72 § 17-79. ~~With the approval of the judges of a circuit court of any county or city, recording may be~~
73 ~~accomplished by a procedural microphotographic process which meets archival standards as~~
74 ~~recommended by the Archives Division of The Library of Virginia.~~

75 § 17-70.1. Recording by microphotographic or electronic process.

76 A procedural microphotographic process , *digital reproduction, or any other micrographic process*
77 *which stores images of documents in reduced size, may be used to store images in coded data format to*
78 *accomplish the recording of writings otherwise required by any provision of law to be spread in a book*
79 *or retained in the circuit court clerk's office, including, but not limited to, the Common Law Order*
80 *Book, the Chancery Order Book, the Clerk's Order Books, the Will Book and/or Fiduciary Account*
81 *Book, and the Juvenile Order Book, the Adoption Order book, the Trust Fund Order book, the Deed*
82 *Book, the Plat Book, the Land Book, the Judgment Docket Book, the Partnership or Assumed Name*
83 *Certificate Book, marriage records, and financing statements. Any such micrographic,*
84 *microphotographic or electronic recording process shall meet archival standards as recommended by*
85 *the Archives Division of the Library of Virginia.*

86 § 55-66.4:2. Where certificates of satisfaction are to be indexed.

87 A certificate of partial satisfaction or a certificate of satisfaction shall be recorded by the clerk on the
88 grantor index, both under the name of each grantor on the underlying deed of trust and under the name
89 or names of the trustees under which the deed of trust was indexed ~~and on the grantee index under the~~
90 ~~name of each grantor in the underlying deed of trust , all as identified on the certificate of satisfaction.~~
91 The deed book and page number *or the instrument number* of the released deed of trust shall also be
92 designated in the ~~grantor~~ index. *Any clerk using a separate index book or data file for grantees only*
93 *shall also record therein the name of each grantor on the underlying deed of trust as identified on the*
94 *certificate of satisfaction.*