

# 2016 SESSION

INTRODUCED

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## HOUSE BILL NO. 636

Offered January 13, 2016

Prefiled January 11, 2016

*A BILL to amend and reenact § 15.2-1634 of the Code of Virginia, relating to clerks of circuit court.*

Patron—Marshall, D.W.

Referred to Committee for Courts of Justice

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

**1. That § 15.2-1634 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-1634. Clerks of circuit courts.**

A. The voters in every county and in each city which has a circuit court, shall elect for a term of eight years, a clerk of such court unless otherwise provided by general law or special act. He shall be clerk of the circuit court and may also be the clerk of the governing body if the governing body so designates. He shall exercise all the powers conferred and perform all the duties imposed upon such officers by general law and may perform such other duties, not inconsistent with his office, as may be requested of him by the governing body.

B. Notwithstanding any other provision of law, the governing body of a county or city may by ordinance require the clerk of the circuit court not to accept any deed transferring real property for recordation unless the locality has certified that no delinquent county or city taxes, fines, or similar charges or taxes are a lien on the property described in the deed. The governing body shall describe the form the certification must take in the ordinance. The ordinance shall provide that the clerk of the circuit court shall accept without certification a deed submitted for recordation under the supervision of a closing attorney and containing this statement on the deed: "This instrument prepared by: \_\_\_\_\_, a licensed Virginia attorney. Delinquent taxes, if any, to be paid by the closing attorney to the locality upon disbursement of closing proceeds."

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