

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 17-59 of the Code of Virginia, relating to recording in the clerk's*  
3 *office.*

4 [H 1369]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 17-59 of the Code of Virginia is amended and reenacted as follows:**

8 § 17-59. Duty of clerk as to recording writings, etc., and making index.

9 Every writing authorized by law to be recorded, with all certificates, plats, schedules or other papers  
10 thereto annexed or thereon endorsed, upon payment of fees for the same and the tax thereon, if any,  
11 shall, when admitted to record, be recorded by or under the direction of the clerk on such media as are  
12 prescribed by § 17-70. However, the clerk may refuse to accept any writing for filing or recordation  
13 unless (i) each individual's surname only, where it first appears in the writing, is underscored or written  
14 entirely in capital letters, (ii) each page of the instrument or writing is numbered, (iii) the Code section  
15 under which any exemption from recordation taxes is claimed is clearly stated on the face of the  
16 writing, ~~and~~ (iv) the names of all grantors and grantees are listed as required by §§ 55-48 and 55-58;  
17 *and (v) the first page of the document bears an entry showing the name of either the person or entity*  
18 *who drafted the instrument, except that papers or documents prepared outside of the Commonwealth*  
19 *shall be recorded without such an entry.* In addition, no deed shall be accepted for record by the clerk  
20 unless it is accompanied by a current business or residence address of the grantee or a designee.  
21 However, if the writing or deed is accepted for record and spread on the deed books, it shall be deemed  
22 to be validly recorded for all purposes. Such books shall be indexed by him as provided by § 17-79 and  
23 carefully preserved. Upon admitting any such writing or other paper to record the clerk shall endorse  
24 thereon the day and time of day of such recordation. More than one book may be used  
25 contemporaneously under the direction of the clerk for the recordation of the writings mentioned in this  
26 section whenever it may be necessary to use more than one book for the proper conduct of the business  
27 of his office. After being so recorded such writings may be delivered to the party entitled to claim under  
28 the same. Any clerk failing to comply with the provisions of this section or of § 17-79 shall, for every  
29 such failure, forfeit the sum of twenty dollars.

ENROLLED

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