

SUBTITLE II.

REAL ESTATE SETTLEMENTS AND RECORDATION.

Drafting note: Proposed Subtitle II is created to logically reorganize all provisions relating to real estate settlements and recordation. Proposed Subtitle II contains six chapters: (1) Recordation of Documents; (2) Virginia Residential Property Disclosure Act; (3) Exchange Facilitators Act; (4) Real Estate Settlements; (5) Real Estate Settlement Agents; and (6) Commercial Real Estate Broker's Lien Act.

CHAPTER ~~6~~ XX [1].

RECORDATION OF DOCUMENTS.

Drafting note: Existing Chapter 6, Recordation of Documents, is retained as proposed Chapter XX [1].

Article 1.

~~In~~ General Provisions.

Drafting note: Existing Article 1, containing general provisions for the recordation of documents, is retained as proposed Article 1.

§ ~~55-106~~ 55.1-xxx. When and where writings ~~admitted to record~~ recorded.

Except when it is otherwise provided, the circuit court of any county or city, or the clerk of any such court, or his duly qualified deputy, in his office, shall ~~admit to~~ record any such writing as to any person whose name is signed thereto with an original signature, when it shall have been acknowledged by him, or proved by two witnesses as to him in such court, or before such clerk, or his duly qualified deputy, in his office, or the manner prescribed in Articles 2 (§ ~~55-113~~ 55.1-xxx et seq.), ~~2.1~~ 3 (§ ~~55-118.1~~ 55.1-xxx et seq.), and ~~3.4~~ (§ ~~55-119~~ 55.1-xxx et seq.) ~~of this chapter~~. When such writing is signed by a person acting on behalf of another, or in any representative capacity, the signature of such representative may be acknowledged or proved in the same manner.

Drafting note: Technical changes.

27 § ~~55-106.1~~ 55.1-xxx. Recording and indexing of certain documents showing changes of
28 names.

29 A duly authenticated copy of a marriage license with the certificate of the person
30 celebrating the marriage or a duly authenticated copy of a final ~~decree~~ order of divorce showing
31 a change of name of a woman shall be entitled to be ~~admitted to record~~ recorded in the clerk's
32 office ~~wherein in which~~ deeds are recorded of the county or city ~~wherein in which~~ any land
33 ~~which~~, or an interest in ~~which any land~~, that is owned by such woman lies; and shall be indexed
34 by such clerk in the grantor and grantee indices in his office.

35 **Drafting note: Technical changes.**

36 § ~~55-106.2~~ 55.1-xxx. Presumption that recorded writings ~~admitted to record~~ are in proper
37 form.

38 A writing that is not properly notarized in accordance with the laws of the
39 Commonwealth shall not invalidate the underlying document; however, any such writing shall
40 not be in proper form for recordation. All recorded writings ~~admitted to record~~ shall be presumed
41 to be in proper form for recording after having been recorded, and conclusively presumed to be
42 in proper form for recording after having been recorded for a period of three years, except in
43 cases of fraud.

44 **Drafting note: Technical changes.**

45 ~~§ 55-106.3. Repealed.~~

46 **Drafting note: Repealed by Acts 1992, c. 532.**

47 § ~~55-106.4~~ 55.1-xxx. Deed of real estate investment trust.

48 Every deed that is to be recorded conveying property to or from a trust qualifying as a
49 real estate investment trust shall include the complete address of the principal office of the trust.
50 Failure to comply with the provisions of this section shall not invalidate any such deed.

51 **Drafting note: No change.**

52 § ~~55-106.5~~ 55.1-xxx. When clerk may refuse document to be recorded.

53 A clerk may refuse any document for recording in which the name ~~or names~~ of the person
54 under which the document is to be indexed does not legibly appear or is not otherwise furnished.

55 **Drafting note: The plural "persons" is stricken on the basis of § 1-227, which states**
56 **that throughout the Code any word used in the singular includes the plural and vice versa.**

57 § ~~55-107~~ 55.1-xxx. Power of attorney; where recorded.

58 A power of attorney may be ~~admitted to record~~ recorded in any county or ~~corporation~~
59 city.

60 **Drafting note: Technical changes.**

61 § ~~55-108~~ 55.1-xxx. Standards for writings to be docketed or recorded.

62 Except as provided in Article 4.1 (§ 17.1-258.2 et seq.) of Title 17.1, all writings ~~which~~
63 that are to be recorded or docketed in the clerk's office of courts of record ~~in the Commonwealth~~
64 shall be an original or first generation printed form, or legible copy thereof, pen and ink or typed
65 ribbon copy, and shall meet the standards for instruments as adopted under §§ 17.1-227 and 42.1-
66 82 of the Virginia Public Records Act (§ 42.1-76 et seq.).

67 If a writing ~~which that~~ does not conform to the requirements of this ~~statute~~ section or the
68 standards for instruments adopted under §§ 17.1-227 and under § 42.1-82 of the Virginia Public
69 Records Act (§ 42.1-76 et seq.) is accepted for recordation, it shall be deemed validly recorded
70 and the clerk shall have no liability for accepting such a writing ~~which that~~ does not meet the
71 enumerated criteria in all the particulars.

72 **Drafting note: Technical changes.**

73 § ~~55-109~~ 55.1-xxx. When original of writing once recorded is lost, how copy ~~admitted to~~
74 record recorded elsewhere.

75 If it ~~be is~~ proper for any writing, ~~which that~~ has been ~~admitted to record~~ recorded in a
76 court of any county or ~~corporation, city~~ to be ~~admitted to record~~ recorded in the court of another
77 county or ~~corporation city~~ and ~~the same such writing~~, before being so ~~admitted to record~~ recorded
78 ~~in the such other~~ court ~~last mentioned~~, ~~be is~~ lost or mislaid, on affidavit of this fact, such court,
79 or the clerk ~~thereof of such court~~, may ~~admit to record~~ record a copy of such writing from the

80 records of another court, certified by its clerk₂, and the copy so ~~admitted~~ recorded shall have the
 81 same effect as if the original had been ~~admitted to record~~ recorded at the time the copy was
 82 admitted recorded.

83 **Drafting note: Language is updated for modern usage. Technical changes are made.**

84 § ~~55-109.1~~ 55.1-xxx. Certifications of recordation upon ~~counterparts~~ copies of certain
 85 instruments and subsequent recordation in other ~~cities and counties~~ county or city.

86 Whenever a mortgage or deed of trust instrument upon real or personal property located
 87 in more than one county or city ~~or county~~ is ~~presented to and accepted for initial recordation~~
 88 recorded in one such county or city ~~or county~~, the party by whom it is so presented may deliver
 89 to the clerk of such court any number of executed and acknowledged ~~counterparts~~ copies of such
 90 instrument. The clerk shall ~~thereupon~~ fix to each such ~~counterpart~~ copy his ~~usual~~ certificate of
 91 recordation, certifying thereby the payment of the recordation tax levied by the Commonwealth,
 92 and shall return to the party presenting ~~the same~~ all such instruments all such ~~counterparts~~ copies
 93 except one₂, which shall be retained by the clerk for ~~spreading upon the records of recordation in~~
 94 his office. Such certificate shall be conclusive evidence of the payment of the recordation tax
 95 indicated thereby, and the clerk in any other recording office in any other county or city ~~or county~~
 96 shall accept for recordation in his office any such ~~counterpart~~ copy so certified.

97 **Drafting note: The word "counterpart" is replaced with the more modern term,**
 98 **"copy." Technical changes are made.**

99 § ~~55-109.2~~ 55.1-xxx. Correcting errors in deeds, deeds of trust, and mortgages; affidavit.

100 A. As used in this section, unless the context requires a different meaning:

101 "Attorney" means any person licensed as an attorney in Virginia by the Virginia State
 102 Bar.

103 "Corrective affidavit" means an affidavit of an attorney correcting an obvious description
 104 error.

105 "Obvious description error" means an error in a real property parcel description contained
 106 in a recorded deed, deed of trust, or mortgage where (i) such parcel is identified and shown as a

107 separate parcel on a recorded subdivision plat; (ii) such error is apparent by reference to other
108 information on the face of such deed, deed of trust, or mortgage or on an attachment to such
109 deed, deed of trust, or mortgage or by reference to other instruments in the chain of title for the
110 property conveyed thereby; and (iii) such deed, deed of trust, or mortgage recites elsewhere the
111 parcel's correct address or tax map identification number. An "obvious description error"
112 includes (a) an error transcribing courses and distances, including the omission of one or more
113 lines of courses and distances or the omission of angles and compass directions; (b) an error
114 incorporating an incorrect recorded plat or a deed reference; (c) an error in a lot number or
115 designation; or (d) an omitted exhibit supplying the legal description of the real property thereby
116 conveyed. An "obvious description error" does not include (1) missing or improper signatures or
117 acknowledgments or (2) any designation of the type of tenancy by which the property is owned
118 or whether or not a right of survivorship exists.

119 "Recorded subdivision plat" means a plat that has been prepared by a land surveyor
120 licensed pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 and recorded in the
121 clerk's office of the circuit court for the jurisdiction where the property is located.

122 "Title insurance company" has the same meaning as set forth in § 38.2-4601, provided
123 that the title insurance company issued a policy of title insurance for the transaction in which the
124 deed, deed of trust, or mortgage needing correction was recorded.

125 B. Obvious description errors in a recorded deed, deed of trust, or mortgage purporting
126 to convey or transfer an interest in real property may be corrected by recording an affidavit in
127 the land records of the circuit court for the jurisdiction where the property is located or where
128 the deed, deed of trust, or mortgage needing correction was recorded. No correction of an obvious
129 description error shall be inconsistent with the description of the property in any recorded
130 subdivision plat.

131 C. Prior to recording a corrective affidavit, the attorney seeking to record the affidavit
132 shall deliver a copy of the affidavit to all parties to the deed, deed of trust, or mortgage, including
133 the current owner of the property; to the attorney who prepared the deed, deed of trust, or

134 mortgage, if known and if possible; and to the title insurance company, if known, and give notice
135 of the intent to record the affidavit and of each party's right to object to the affidavit. For an
136 affidavit to correct an obvious description error in a deed as described in clause (a) of [the](#)
137 [definition of "obvious description error" in](#) subsection A, notice and a copy of the affidavit shall
138 also be provided to any owner of property adjoining a line to be corrected. The notice and a copy
139 of the affidavit shall be delivered by personal service~~or~~, sent by certified mail, return receipt
140 requested, [or delivered by a commercial overnight delivery service or the United States Postal](#)
141 [Service, and a receipt obtained](#), to the last known address of each party to the deed, deed of trust,
142 or mortgage to be corrected that (i) is contained in the land book maintained pursuant to § 58.1-
143 3301 by the jurisdiction where the property is located and where the deed, deed of trust, or
144 mortgage needing correction was recorded;² (ii) is contained in the deed, deed of trust, or
145 mortgage needing correction;² (iii) has been provided to the attorney as a forwarding address;² or
146 (iv) has been established with reasonable certainty by other means, and to all other persons and
147 entities to whom notice is required to be given. The notice and a copy of the affidavit shall be
148 sent to the property address for the real property conveyed by the deed, deed of trust, or mortgage
149 needing correction. If a locality is a party to the deed, deed of trust, or mortgage, the notice and
150 a copy of the affidavit required by this subsection shall be sent to the county, city, or town
151 attorney for the locality, if any, and if there is no such attorney, then to the chief executive for
152 the locality. For the purposes of this section, the term "party" ~~shall also include~~ [includes](#) any
153 locality that is a signatory. If the Commonwealth is a party to the deed, deed of trust, or mortgage,
154 the notice and a copy of the affidavit required by this subsection shall be sent to the Attorney
155 General and to the director, chief executive officer, or head of the state agency or chairman of
156 the board of the state entity in possession or that had possession of the property.

157 D. If, within 30 days after personal service or receiving confirmation of delivery of the
158 notice and a copy of the affidavit [\(i\)](#) to all parties to the deed, deed of trust, or mortgage, including
159 the current owner of the property; [\(ii\)](#) to the attorney who prepared the deed, deed of trust, or
160 mortgage, if known and if possible; [\(iii\)](#) to the title insurance company, if known; and [\(iv\)](#) to the

161 adjoining property owners, if necessary, pursuant to subsection C, no written objection is
162 received from any party disputing the facts recited in the affidavit or objecting to its recordation,
163 the corrective affidavit may be recorded by the attorney, and all parties to the deed, deed of trust,
164 or mortgage shall be bound by the terms of the affidavit. The corrective affidavit shall contain
165 ~~(i)~~ (a) a statement that no objection was received from any party within the period and ~~(ii)~~ (b) a
166 copy of the notice sent to the parties. The notice shall contain the attorney's Virginia State Bar
167 number. The corrective affidavit shall be notarized.

168 E. A corrective affidavit that is recorded pursuant to this section operates as a correction
169 of the deed, deed of trust, or mortgage and relates back to the date of the original recordation of
170 the deed, deed of trust, or mortgage as if the deed, deed of trust, or mortgage was correct when
171 first recorded. A title insurance company, upon request, shall issue an endorsement to reflect the
172 corrections made by the corrective affidavit and shall deliver a copy of the endorsement to all
173 parties to the policy who can be found.

174 F. The clerk shall record the corrective affidavit in the deed book and, notwithstanding
175 their designation in the deed, deed of trust, or mortgage needing correction, index the affidavit
176 in the names of the parties to the deed, deed of trust, or mortgage as grantors and grantees as set
177 forth in the affidavit. The costs associated with the recording of a corrective affidavit pursuant
178 to this section shall be paid by the party that records the corrective affidavit. An affidavit
179 recorded in compliance with this section shall be prima facie evidence of the facts stated ~~therein~~
180 in such affidavit. Any person who wrongfully or erroneously records a corrective affidavit is
181 liable for actual damages sustained by any party due to such recordation, including reasonable
182 attorney fees and costs.

183 G. The remedies under this section are not exclusive and do not abrogate any right or
184 remedy under the laws of the Commonwealth other than this section.

185 H. An affidavit under this section may be made in the following form, or to the same
186 effect:

187 Corrective Affidavit

188 This Affidavit, prepared pursuant to Virginia Code § ~~55-109.2~~ 55.1-xxx, shall be indexed
 189 in the names of _____ (grantor) and _____ (grantee), whose addresses
 190 are _____. The undersigned affiant, being first duly sworn, deposes and states as
 191 follows:

192 1. That the affiant is a Virginia attorney.

193 2. That the deed, deed of trust, or mortgage needing correction was made in connection
 194 with a real estate transaction in which _____ purchased real estate from
 195 _____, as shown in a deed recorded in the Clerk's Office of the Circuit Court of
 196 _____, in Deed Book _____, Page _____, or as Instrument Number _____; or in
 197 which real estate was encumbered, as shown in a deed recorded in the Clerk's Office of the
 198 Circuit Court of _____, in Deed Book _____, Page _____, or as Instrument Number
 199 _____.

200 3. That the property description in the aforementioned deed, deed of trust, or mortgage
 201 contains an obvious description error.

202 4. That the property description containing the obvious description error reads:

203 _____
 204 _____.

205 5. That the correct property description should read:

206 _____
 207 _____.

208 6. That this affidavit is given pursuant to § ~~55-109.2~~ 55.1-xxx of the Code of Virginia to
 209 correct the property description in the aforementioned deed, deed of trust, or mortgage and such
 210 description shall be as stated in paragraph 5 above upon recordation of this affidavit in the Circuit
 211 Court of _____.

212 7. That notice of the intent to record this corrective affidavit and a copy of this affidavit
 213 was delivered to all parties to the deed, deed of trust, or mortgage being corrected pursuant to §
 214 ~~55-109.2~~ 55.1-xxx of the Code of Virginia and that no objection to the recordation of this

215 affidavit was received within the applicable period of time as set forth in § ~~55-109.2~~ 55.1-xxx of
216 the Code of Virginia.

217 _____

218 (Name of attorney)

219 _____

220 (Signature of attorney)

221 _____

222 (Address of attorney)

223 _____

224 (Telephone number of attorney)

225 _____

226 (Bar number of attorney)

227 The foregoing affidavit was acknowledged before me

228 This _____ day of _____, 20____, by

229 _____

230 Notary Public

231 My Commission expires _____.

232 Notary Registration Number: _____.

233 I. Notice under this section may be made in the following form, or to the same effect:

234 Notice of Intent to Correct an Obvious Description Error

235 Notice is hereby given to you concerning the deed, deed of trust, or mortgage described
236 in the corrective affidavit, a copy of which is attached to this notice, as follows:

237 1. The attorney identified below has discovered or has been advised of an obvious
238 description error in the deed, deed of trust, or mortgage recorded as part of your real estate
239 settlement. The error is described in the attached affidavit.

240 2. The undersigned will record an affidavit to correct such error unless the undersigned
241 receives a written objection disputing the facts recited in the affidavit or objecting to the

242 recordation of the affidavit. Your objections must be sent within 30 days of receipt of this notice
243 to the following address:

244 _____
245 [\(Address\)](#)

246 _____
247 (Name of attorney)

248 _____
249 (Signature of attorney)

250 _____
251 (Address of attorney)

252 _____
253 (Telephone number of attorney)

254 _____
255 (Bar number of attorney)

256 **Drafting note: In subsection C, the methods of delivery are updated to conform with**
257 **other delivery methods used throughout the title. "Notary Registration Number" is added**
258 **to the signature line of the certificate because it is a requirement of notarization. Technical**
259 **changes are made.**

260 § ~~55-110~~ [55.1-xxx](#). Recordation of copy of lost deed previously recorded in what is now
261 West Virginia.

262 In any case when any ~~such writing shall have been~~ [deed was](#) duly ~~admitted to record~~
263 [recorded](#) before the formation of the state of West Virginia in any county or ~~corporation city~~ now
264 within the limits of ~~that state~~ [West Virginia](#) and such ~~writing deed~~, after diligent search ~~therefor~~,
265 cannot be found, upon affidavit of that fact by any party in interest, his agent, or [his](#) attorney,
266 any court of ~~this the~~ Commonwealth in which, or the clerk's office of which, the original might
267 be recorded, or the clerk of any such court, may ~~admit to record~~ [record](#) a copy of such ~~writing~~
268 [deed](#) from the records of the court of West Virginia, or the clerk's office of such court ~~wherein~~

269 ~~the same in which such deed~~ is recorded, duly certified by the clerk ~~thereof of such court~~, under
 270 the seal of the court; and the ~~admission to record~~ recordation of such copy shall have the same
 271 effect as the ~~admission to record~~ recordation of the original.

272 **Drafting note: Technical changes.**

273 § ~~55-111~~ 55.1-xxx. Writings not duly acknowledged copied for preservation.

274 If any writing ~~which it is lawful for~~ that may be lawfully recorded by a clerk ~~to admit to~~
 275 ~~record~~ on proper acknowledgment or proof ~~has been or shall be lodged~~ is located in his office
 276 and has remained or ~~shall remain therein~~ remains in his office for a period of six months without
 277 being acknowledged or proved; so that it can be duly ~~admitted to record~~ recorded, the clerk shall,
 278 for the preservation ~~thereof of such writing~~, when required by any interested person ~~interested~~,
 279 copy ~~the same~~ such writing in a book separate from those in which such writings ~~so admitted~~ are
 280 recorded and keep an index to such book as in the case of writings duly ~~admitted to record~~
 281 recorded.

282 **Drafting note: Language is rewritten for clarity. Technical changes are made.**

283 § ~~55-112~~ 55.1-xxx. Continuing in force acts establishing Torrens system.

284 The act entitled "An act to provide for the settlement, registration, transfer, and assurance
 285 of titles to land, and to establish courts of land registration, with jurisdiction for ~~said~~ such
 286 purposes, and to make uniform the laws of the State enacting the same," approved February 24,
 287 1916, as amended by an act approved March 20, 1916, and last amended by Chapter 227 of the
 288 Acts of 1948, approved March 13, 1948, is continued in force.

289 **Drafting note: Technical change.**

290 Article 2.

291 Acknowledgements Generally.

292 **Drafting note: Existing Article 2, containing general provisions for**
 293 **acknowledgements, is retained as proposed Article 2.**

294 § ~~55-113~~ 55.1-xxx. Acknowledgment within the United States or its dependencies.

295 ~~Such A circuit~~ court of any county or city, or ~~the~~ clerk ~~as is mentioned in § 55-106~~ of any
 296 such court, shall ~~admit record~~ any ~~such~~ writing ~~to record as is described in § 55.1-xxx [§ 55-106]~~
 297 as to any person whose name is signed ~~thereto~~ to such writing, except that acknowledgment of
 298 contracts for the sale of real property shall require the seller or grantor of such real property to
 299 acknowledge his signature as ~~herein~~ provided in this section, except for contracts recorded after
 300 the death of the seller pursuant to § 64.2-523.

301 ~~(1)~~1. Upon the certificate of such clerk or his deputy, a notary public, a commissioner in
 302 chancery, or a clerk of any court of record within the United States or in Puerto Rico, or any
 303 territory or other dependency or possession of the United States that such writing had been
 304 acknowledged before him by such person. Such certificate shall be written upon or ~~annexed~~
 305 attached to such writing and shall be substantially to the following effect, ~~to wit~~:

306 I, _____, clerk (or deputy clerk, or a commissioner in chancery) of the
 307 _____ court, (or a notary public) for the county (or ~~corporation city~~) aforesaid, in
 308 the ~~State state~~ (or territory, or district) of _____, do certify that E.F., or E.F. and
 309 G.H., and so forth, whose name (or names) is (or are) signed to the writing above (or hereto
 310 ~~annexed attached~~) bearing date on the _____ day of _____, has (or have)
 311 acknowledged the same before me in my county (or ~~corporation city~~) aforesaid.

312 Given under my hand this _____ day of _____.

313 ~~(2)~~2. Upon the certificate of acknowledgment of such person before any commissioner
 314 appointed by the Governor, within the United States, so written or ~~annexed attached~~,
 315 substantially to the following effect, ~~to wit~~:

316 State (or territory, or district) of _____ ~~to wit~~:

317 I, _____, a commissioner appointed by the Governor of the ~~State~~
 318 Commonwealth of Virginia, for ~~said State~~ such state (or territory or district) of
 319 _____, do certify that E.F. (or E.F. and G.H., and so forth) whose name (or names)
 320 is (or are) signed to the writing above (or hereto ~~annexed attached~~) bearing date on the

321 _____ day of _____ has (or have) acknowledged the same before me in my ~~State~~
322 state (or territory or district) aforesaid.

323 Given under my hand this _____ day of _____.

324 ~~(3)~~3. Or upon the certificate of such clerk or his deputy, a notary public, a commissioner
325 in chancery, or a clerk of any court of record within the United States, or in Puerto Rico, or any
326 territory or other possession or dependency of the United States, or of a commissioner appointed
327 by the Governor, within the United States, that such writing was proved as to such person, before
328 him, by two subscribing witnesses thereto. Such certificate shall be written upon or ~~annexed~~
329 attached to such writing and shall be substantially to the following effect, ~~to-wit:~~

330 State (or territory, or district) of _____; county (or ~~corporation~~ city) of
331 _____, ~~to-wit:~~ I, _____, clerk (or deputy clerk, or a commissioner in
332 chancery) of the _____ court, (or a notary public) for the county (or ~~corporation~~
333 city) aforesaid, in the ~~State~~ state (or territory or district) of _____ (or a commissioner
334 appointed by the Governor of the ~~State~~ Commonwealth of Virginia for ~~said State~~, such state (or
335 territory, or district) of _____), do certify that the execution of the writing above (or
336 hereto ~~annexed~~ attached) bearing date on the _____ day of _____, by A.B. (or A.B.
337 and C.D., and so forth), whose name (or names) is (or are) signed thereto, was proved before me
338 in my county (or ~~corporation~~, city or ~~State~~ or state, territory, or district) aforesaid, by the evidence
339 on oath of E.F. and G.H., subscribing witnesses to ~~said~~ such writing.

340 Given under my hand this _____ day of _____.

341 When authority is given in § ~~55-106~~ 55.1-xxx or in this section to the clerk of a court in
342 or ~~out~~ outside of ~~this the~~ Commonwealth, but within the United States, such authority may be
343 exercised by his duly qualified deputy.

Drafting note: Language is updated for clarity. Technical changes are made.

344 § ~~55-114~~ 55.1-xxx. Acknowledgments outside of the United States and its dependencies.
345 ~~Such~~ A circuit court of any county or city, or the clerk of such court, shall also ~~admit~~
346 record any ~~such~~ writing ~~to record as is described in § 55.1-xxx [§ 55-106]~~ as to any person whose

348 name is signed thereto upon the certificate under the official seal of any ambassador, minister
 349 plenipotentiary, minister resident, charge d'affaires, consul-general, consul, vice-consul, or
 350 commercial agent appointed by the government of the United States to any foreign country, or
 351 of the proper officer of any court of record of such country or of the mayor or other chief
 352 magistrate of any city, town, or corporation therein, that such writing was acknowledged by such
 353 person or proved as to him by two witnesses before any person having such appointment or
 354 before such court, mayor, or chief magistrate.

355 **Drafting note: Language is updated for clarity. Technical changes are made.**

356 ~~§ 55-114.1~~ 55.1-xxx. Acknowledgments by persons subject to Uniform Code of Military
 357 Justice; validation of certain acknowledgments.

358 ~~Such a circuit court of any county or city, or the clerk of such court,~~ shall also ~~admit~~
 359 record any ~~such~~ writing ~~to record as is described in § 55.1-xxx [§ 55-106]~~ as to any person whose
 360 name is signed thereto and who at the time of such acknowledgment:

361 ~~(1)~~ 1. Was a member of any of the armed forces of the United States, wherever they may
 362 have been, ~~or;~~

363 ~~(2)~~ 2. Was employed by, or accompanying such armed forces outside the United States
 364 and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands; ~~or~~

365 ~~(3)~~ 3. Was subject to the Uniform Code of Military Justice of the United States outside
 366 of the United States, upon the certificate of any person authorized to take acknowledgments
 367 under ~~§ 936 (a) of Title 10 of United States Code Annotated~~ 10 U.S.C. § 936(a), as amended.

368 Such certification shall be in substantially the same form as required by ~~§ 55-115~~ 55.1-
 369 xxx.

370 Any acknowledgment taken before July 1, 1995, ~~which that~~ is in substantial conformity
 371 with this section is hereby ratified, validated, and confirmed.

372 **Drafting note: Language is updated for clarity. Technical changes are made.**

373 ~~§ 55-115~~ 55.1-xxx. Acknowledgments taken before commissioned officers in military
 374 service.

375 ~~Such~~ A circuit court of any county or city, or clerk of such court, shall also ~~admit~~ record
376 any ~~such~~ writing ~~to record~~ as is described in § 55.1-xxx [§ 55-106] as to any person whose name
377 is signed thereto who at the time of such acknowledgment was in active service in the ~~armed~~
378 ~~forces~~ Armed Forces of the United States, or as to the consort of such person, upon the certificate
379 of any commissioned officer of the army, navy, marine corps, air force, coast guard, any state
380 national guard that is federally recognized, or other branch of the service of which such person
381 is a member, that such writing had been acknowledged before him by such person. Such
382 certificate shall be written upon or ~~annexed~~ attached to such writing and shall be substantially to
383 the following effect:

384 In the army (or navy, etc.) of the United States.
385 I, _____, a commissioned officer of the army (or navy, marine corps, air
386 force, coast guard, or other branch of service) of the United States with the rank of lieutenant (or
387 ensign or other appropriate rank) whose home address is _____, do certify that E.F.
388 (or E.F. and G.H., and so forth), whose name (or names) is (or are) signed to the writing above
389 (or hereto ~~annexed~~ attached), bearing date on the _____ day of _____, _____, and
390 who, or whose consort, is a private (corporal, seaman, captain, or other grade or rank) in the
391 army (or navy, etc.) of the United States, and whose home address is _____, has (or
392 have) acknowledged the same before me.

393 Given under my hand this _____ day of _____.

394 Such acknowledgment may be taken at any place where the officer taking the
395 acknowledgment and the person whose name is signed to the writing may be. Such
396 commissioned officer may take the acknowledgment of any person in any branch of the armed
397 forces of the United States, or the consort of such person.

398 Every acknowledgment executed prior to July 1, 1995, in substantial compliance with
399 the provisions of this section is hereby validated, ratified, and confirmed, notwithstanding any
400 error or omission with respect to any address, grade, or rank.

401 **Drafting note: Language is updated for clarity. Technical changes are made.**

402 ~~§ 55-116. Repealed.~~

403 **Drafting note: Repealed by Acts 1980, c. 580.**

404 Article ~~2.1~~ 3.

405 Uniform Recognition of Acknowledgements Act.

406 **Drafting note: Existing Article 2.1, relating to the Uniform Recognition of**
407 **Acknowledgements Act, is retained as proposed Article 3.**

408 ~~§ 55-118.1~~ 55.1-xxx. "Notarial acts" defined; who may perform notarial acts outside the
409 Commonwealth for use in the Commonwealth.

410 A. For the purposes of this article, "notarial acts" means acts ~~which~~ that the laws and
411 regulations of ~~this~~ the Commonwealth authorize notaries public of ~~this~~ the Commonwealth to
412 perform, including the administering of oaths and affirmations, taking proof of execution and
413 acknowledgments of instruments, and attesting documents.

414 B. Notarial acts may be performed outside ~~this~~ the Commonwealth for use in ~~this~~ the
415 Commonwealth with the same effect as if performed by a notary public of ~~this~~ the
416 Commonwealth by the following persons authorized pursuant to the laws and regulations of other
417 governments in addition to any other person authorized by the laws and regulations of ~~this~~ the
418 Commonwealth:

419 ~~(1)~~ 1. A notary public authorized to perform notarial acts in the place in which the notarial
420 act is performed;

421 ~~(2)~~ 2. A judge, clerk, or deputy clerk of any court of record in the place in which the
422 notarial act is performed;

423 ~~(3)~~ 3. An officer of the foreign service of the United States, a consular agent, or any other
424 person authorized by regulation of the ~~United States~~ U.S. Department of State to perform notarial
425 acts in the place in which the notarial act is performed;

426 ~~(4)~~ 4. A commissioned officer in active service with the ~~armed forces~~ Armed Forces of
427 the United States and any other person authorized by regulation of the armed forces to perform
428 notarial acts if the notarial act is performed for one of the following or his dependents: a merchant

429 seaman of the United States, a member of the ~~armed forces~~ Armed Forces of the United States,
430 or any other person serving with or accompanying a member of the ~~armed forces~~ Armed Forces
431 of the United States; or

432 ~~(5)~~5. Any other person authorized to perform notarial acts in the place in which the
433 notarial act is performed.

434 **Drafting note: Technical changes.**

435 § ~~55-118.2~~ 55.1-xxx. Proof of authority of person performing notarial act.

436 ~~(a)~~A. If the notarial act is performed by any of the persons described in ~~paragraphs (1)~~
437 ~~through (4)~~ subdivisions B 1 through 4 of § ~~55-118.1, 55.1-xxx~~ other than a person authorized
438 to perform notarial acts by the laws or regulations of a foreign country, the signature, rank, or
439 title and serial number, if any, of the person are sufficient proof of the authority of a holder of
440 that rank or title to perform the notarial act. Further proof of his authority is not required.

441 ~~(b)~~B. If the notarial act is performed by a person authorized by the laws or regulations
442 of a foreign country to perform the notarial act, there is sufficient proof of the authority of that
443 person to act if:

444 ~~(1)~~1. Either a foreign service officer of the United States resident in the country in which
445 the notarial act is performed or a diplomatic or consular officer of the foreign country resident
446 in the United States certifies that a person holding that office is authorized to perform the notarial
447 act;

448 ~~(2)~~2. The official seal of the person performing the notarial act is affixed to the
449 document; or

450 ~~(3)~~3. The title and indication of authority to perform notarial acts of the person appears
451 either in a digest of foreign law or in a list customarily used as a source of such information.

452 ~~(e)~~C. If the notarial act is performed by a person other than one described in subsections
453 ~~(a)~~ A and ~~(b)~~ B, there is sufficient proof of the authority of that person to act if the clerk of a
454 court of record in the place in which the notarial act is performed certifies to the official character
455 of that person and to his authority to perform the notarial act.

456 ~~(d)~~D. The signature and title of the person performing the notarial act are prima facie
457 evidence that he is a person with the designated title and that the signature is genuine.

458 **Drafting note: Technical changes.**

459 § ~~55-118.3~~ 55.1-xxx. What person taking acknowledgment shall certify.

460 The person taking an acknowledgment shall certify that:

461 ~~(1)~~1. The person acknowledging appeared before him and acknowledged he executed
462 the instrument; and

463 ~~(2)~~2. The person acknowledging was known to the person taking the acknowledgment
464 or that the person taking the acknowledgment had satisfactory evidence that the person
465 acknowledging was the person described in and who executed the instrument.

466 **Drafting note: Technical changes.**

467 § ~~55-118.4~~ 55.1-xxx. When form of certificate of acknowledgment accepted.

468 The form of a certificate of acknowledgment used by a person whose authority is
469 recognized under § ~~55-118.1~~ 55.1-xxx shall be accepted in ~~this~~ the Commonwealth if:

470 ~~(1)~~1. The certificate is in a form prescribed by the laws or regulations of ~~this~~ the
471 Commonwealth;

472 ~~(2)~~2. The certificate is in a form prescribed by the laws or regulations applicable in the
473 place in which the acknowledgment is taken; or

474 ~~(3)~~3. The certificate contains the words "acknowledged before me;" or their substantial
475 equivalent.

476 **Drafting note: Technical changes.**

477 § ~~55-118.5~~ 55.1-xxx. Meaning of "acknowledged before me."

478 ~~The words~~ For the purposes of this article, "acknowledged before me" ~~mean~~ means:

479 ~~(1)~~1. That the person acknowledging appeared before the person taking the
480 acknowledgment;

481 ~~(2)~~2. That ~~he~~ the person acknowledging acknowledged he executed the instrument;

482 ~~(3)~~3. That, in the case of:

483 (i)-a. A natural person acknowledging, he executed the instrument for the purposes
484 ~~therein~~ stated in the instrument;

485 (ii)-b. A corporation, the officer or agent acknowledged he held the position or title set
486 forth in the instrument and certificate, he signed the instrument on behalf of the corporation by
487 proper authority, and the instrument was the act of the corporation for the purpose ~~therein~~ stated
488 in the instrument;

489 (iii)-c. A partnership, the partner or agent acknowledged he signed the instrument on
490 behalf of the partnership by proper authority and he executed the instrument as the act of the
491 partnership for the purposes ~~therein~~ stated in the instrument;

492 (iv)-d. A person acknowledging as principal by an ~~attorney-in-fact~~ attorney-in-fact, he
493 executed the instrument by proper authority as the act of the principal for the purposes ~~therein~~
494 stated in the instrument; or

495 (v)-e. A person acknowledging as a public officer, trustee, administrator, guardian,
496 conservator, or other representative, he signed the instrument by proper authority and he
497 executed the instrument in the capacity and for the purposes ~~therein~~ stated, in the instrument;

498 and

499 (4)-4. That the person taking the acknowledgment either knew or had satisfactory
500 evidence that the person acknowledging was the person named in the instrument or certificate.

501 **Drafting note: Technical changes.**

502 § ~~55-118.6~~ 55.1-xxx. Statutory short forms of acknowledgment.

503 The forms of acknowledgment set forth in this section may be used and are sufficient for
504 their respective purposes under any law of ~~this~~ the Commonwealth. The following forms shall
505 be known as "Statutory Short Forms of Acknowledgment" and may be referred to by that name.
506 The authorization of the forms in this section does not preclude the use of other forms.

507 (1)-1. For an individual acting in his own right:

508 State of _____

509 County or city of _____

510 The foregoing instrument was acknowledged before me this (date) by (name of person
511 acknowledged).

512 (Signature of Person Taking Acknowledgment)

513 (Title or Rank)

514 (Serial Number, if any)

515 ~~(2)~~ 2. For a corporation:

516 State of _____

517 County or city of _____

518 The foregoing instrument was acknowledged before me this (date) by (name of officer
519 or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of
520 incorporation) corporation, on behalf of the corporation.

521 (Signature of Person Taking Acknowledgment)

522 (Title or Rank)

523 (Serial Number, if any)

524 ~~(3)~~ 3. For a partnership:

525 State of _____

526 County or city of _____

527 The foregoing instrument was acknowledged before me this (date) by (name of
528 acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a
529 partnership.

530 (Signature of Person Taking Acknowledgment)

531 (Title or Rank)

532 (Serial Number, if any)

533 ~~(4)~~ 4. For an individual acting as principal by an attorney-in-fact:

534 State of _____

535 County or city of _____

536 The foregoing instrument was acknowledged before me this (date) by (name of attorney-
537 in-fact) as attorney-in-fact on behalf of (name of principal).

538 (Signature of Person Taking Acknowledgment)

539 (Title or Rank)

540 (Serial Number, if any)

541 ~~§ 5~~ 5. By any public officer, trustee, or personal representative:

542 State of _____

543 County or city of _____

544 The foregoing instrument was acknowledged before me this (date) by (name and title of
545 position).

546 (Signature of Person Taking Acknowledgment)

547 (Title or Rank)

548 (Serial Number, if any)

549 **Drafting note: Technical changes.**

550 § ~~55-118.7~~ 55.1-xxx. Application of article; article cumulative.

551 A notarial act performed prior to June 26, 1970, is not affected by this article. This article
552 provides an additional method of proving notarial acts. Nothing in this article diminishes or
553 invalidates the recognition accorded to notarial acts by other laws or regulations of ~~this~~ the
554 Commonwealth.

555 **Drafting note: Technical change.**

556 § ~~55-118.8~~ 55.1-xxx. Uniform interpretation.

557 This article shall be so interpreted as to make uniform the laws of those states ~~which~~ that
558 enact it.

559 **Drafting note: Technical change.**

560 § ~~55-118.9~~. ~~Short title.~~

561 ~~This article may be cited as the Uniform Recognition of Acknowledgments Act.~~

562 **Drafting note: Existing § 55-118.9 is recommended for repeal on the basis of § 1-**
 563 **244, which states that the caption of a subtitle, chapter, or article operates as a short title**
 564 **citation. The short title citation is retained in the title of the article.**

565 Article ~~3~~ 4.

566 Deeds and Acknowledgements of Corporations.

567 **Drafting note: Existing Article 3, relating to deeds and acknowledgements of**
 568 **corporations, is retained as proposed Article 4.**

569 § ~~55-119~~ 55.1-xxx. Deeds of corporations; how to be executed and acknowledged.

570 All deeds made by corporations shall be signed in the name of the corporation by the
 571 president or acting president, or any vice-president, or by such other person as may be authorized
 572 ~~thereunto to do so~~ by the board of directors of such corporation, and, if such deed is to be
 573 recorded, the person signing the name of the corporation shall acknowledge ~~the same such~~
 574 authority in the manner provided by § ~~55-120~~ 55.1-xxx.

575 **Drafting note: Technical change.**

576 § ~~55-120~~ 55.1-xxx. Acknowledgments on behalf of corporations and others.

577 When any writing purports to have been signed ~~in on~~ behalf or by authority of any person
 578 or corporation, or in any representative capacity whatsoever, the certificate of the
 579 acknowledgment by the person so signing the writing shall be sufficient for the purposes of this
 580 and §§ ~~55-106~~ 55.1-xxx, ~~55-113~~ 55.1-xxx, ~~55-114~~ 55.1-xxx, and ~~55-115~~ 55.1-xxx, and for the
 581 admission recordation of such writing ~~to record~~ as to the person or corporation on whose behalf
 582 it is signed, or as to the representative character of the person so signing the ~~same writing~~, as the
 583 case may be, without expressing that such acknowledgment was ~~in on~~ behalf or by authority of
 584 such other person or corporation or was in a representative capacity. In the case of a writing
 585 signed ~~in on~~ behalf or by authority of any person or corporation or in any representative capacity,
 586 a certificate to the following effect shall be sufficient:

587 State (or territory or district) of _____, county (or ~~corporation city~~) of
 588 _____, ~~to wit~~: I, _____, a _____ (here insert the official

589 title of the person certifying the acknowledgment) in and for the ~~State~~ state (or territory or
 590 district) and county (or ~~corporation~~ city) aforesaid, do certify that _____ (here insert
 591 the name or names of the persons signing the writing on behalf of the person or corporation, or
 592 the name of the person signing the writing in a representative capacity), whose name (or names)
 593 is (or are) signed to the writing above, bearing date on the _____ day of _____, has
 594 (or have) acknowledged the same before me in my county (or ~~corporation~~ city) aforesaid. Given
 595 under my hand this _____ day of _____.

596 **Drafting note: Technical changes.**

597 § ~~55-121~~ 55.1-xxx. Corporate acknowledgment taken before officer or stockholder.

598 Any notary or other officer duly authorized to take acknowledgments may take the
 599 acknowledgment to any deed or other writing, executed by a company, or to a company or for
 600 the benefit of a company, although he may be a stockholder, an officer, or both, in such
 601 company, provided that he is not otherwise interested in the property conveyed or disposed of
 602 by such deed or other writing, and nothing herein shall be construed to authorize any officer to
 603 take an acknowledgment to any deed or other writing executed by such company by and through
 604 him as an officer or stockholder ~~thereof~~ of such company, or to him for the benefit of such
 605 company.

606 **Drafting note: Technical changes.**

607 Article ~~4~~ 5.

608 Validating Certain Acts, Deeds, and Acknowledgements.

609 **Drafting note: Existing Article 4, relating to the validation of certain acts, deeds,**
 610 **and acknowledgements, is retained as proposed Article 5.**

611 § ~~55-122~~ 55.1-xxx. Acts of notaries public, etc., who have held certain other offices.

612 All certificates of acknowledgment to deeds and other writings, taken and certified by
 613 notaries public and commissioners in chancery, and all depositions taken, accounts and reports
 614 made, and decrees executed by any notary public, commissioner in chancery, or commissioner
 615 of accounts, who, since January 1, 1989, may have held the office of county treasurer, sheriff,

616 attorney for the Commonwealth, county clerk, commissioner of the revenue, superintendent of
617 the poor, county surveyor, or supervisor shall be held and ~~the same~~ are hereby declared valid and
618 effective in all respects, if otherwise valid and effective according to the law then in force.

619 **Drafting note: Technical changes.**

620 § ~~55-123~~ 55.1-xxx. Validation of acknowledgments when seal not affixed.

621 When a certificate of acknowledgment was made prior to July 1, 1995, to any instrument
622 in writing required by this chapter to be acknowledged and the notary or other official whether
623 of this or some other state taking ~~same~~ such acknowledgment failed to affix his official seal to
624 such certificate of acknowledgment when a seal was necessary, the certificate of
625 acknowledgment shall be as valid for all purposes as if such seal had been affixed, and the deed
626 shall be, and shall since such date have been, notice to all persons as effectually as if such seal
627 had been affixed, provided that such acknowledgment was in other respects sufficient.

628 **Drafting note: Technical change.**

629 § ~~55-124~~ 55.1-xxx. Acknowledgment taken by trustee in deed of trust.

630 All certificates of acknowledgment to deeds of trust made and certified prior to March
631 23, 1936, by persons being trustees in such deeds shall be held and ~~the same~~ are hereby declared
632 valid and effective in all respects, if otherwise valid according to the law then in force; and each
633 such deed of trust ~~which that~~ has been ~~admitted to record~~ recorded in any clerk's office in the
634 State Commonwealth upon such a certificate shall be held to be duly and regularly recorded if
635 such recordation ~~be is~~ otherwise valid according to the law then in force.

636 ~~Provided however that nothing~~ Nothing in this section shall affect or diminish the rights
637 or remedies of any person ~~which who~~ intervened after the spreading recordation of any such deed
638 of trust ~~on the record~~ but prior to ~~the date aforesaid~~ March 23, 1936.

639 **Drafting note: Technical changes.**

640 § ~~55-125~~ 55.1-xxx. Acknowledgment taken by trustee in deed of trust; later date.

641 Any certificate of acknowledgment of any deed of trust, taken and certified prior to July
642 1, 1995, by a person named as trustee therein who was, at the time of taking the acknowledgment,

643 an officer authorized by law to take acknowledgments of deeds, is declared to be as valid and of
 644 the same force and effect as if such person had not been a trustee in the deed of trust. Subject to
 645 the provisions of § ~~55-106.2~~ 55.1-xxx, however, this section shall not affect any right or remedy
 646 of any third party, ~~which that~~ accrued after the recordation of the deed of trust and before July 1,
 647 1995.

648 **Drafting note: Technical changes.**

649 § ~~55-125.1~~ 55.1-xxx. Certain acknowledgments taken and certified before July 1, 1995.

650 All certificates of acknowledgments to deeds and other writings, taken and certified prior
 651 to July 1, 1995, by commissioners of deeds of states other than ~~Virginia~~ the Commonwealth,
 652 appointed or commissioned by the governor of such state, and by notaries public appointed or
 653 commissioned by the Governor of ~~Virginia~~ the Commonwealth, or appointed or commissioned
 654 under the laws of any state other than ~~this the~~ the Commonwealth, or any other officer authorized
 655 under this chapter to take and certify acknowledgments of deeds and other writings, ~~which that~~
 656 omit the citation of the date of the deed or certificate where it is clear from the content of the
 657 entire certificate and the instrument ~~which that~~ has been acknowledged that the identity of the
 658 instrument or the certificate is the same, or if it can reasonably be inferred from the certificate of
 659 the person recording the instrument or other writing that the certificate refers to the same
 660 instrument, shall be held and ~~the same are~~ are hereby declared valid and effective in all respects, if
 661 otherwise valid according to the law then in force, or otherwise appear valid upon their face, and
 662 all such deeds and other writings ~~which that~~ have been ~~admitted to record~~ recorded in any clerk's
 663 office in the Commonwealth upon such certificates shall be held to be duly and regularly
 664 recorded if such recordation ~~be is~~ is otherwise valid according to the law then in force.

665 **Drafting note: Technical changes.**

666 § ~~55-126~~ 55.1-xxx. Acknowledgments taken by certain justices of the peace, mayors, etc.

667 All certificates of acknowledgment to deeds and other writings taken and certified prior
 668 to July 1, 1995, by justices of the peace, mayors of cities or towns ~~and,~~ and police justices, and civil
 669 and police justices who by virtue of their offices had the powers and authority of justices of the

670 peace, when such justices of the peace, mayors, police justices, or civil and police justices are
671 designated in the certificates of acknowledgments as mayors, police justices, or civil and police
672 justices shall be held, and ~~the same~~ are hereby declared, valid and effective in all respects, if
673 otherwise valid according to the law then in force.

674 **Drafting note: Technical change.**

675 § ~~55-127~~ 55.1-xxx. Acknowledgments taken by officers after expiration of terms.

676 All certificates of acknowledgment to deeds and other writings taken and certified prior
677 to July 1, 1995, by commissioners of deeds of states other than ~~Virginia~~ the Commonwealth,
678 appointed or commissioned by the governor of such state, and by notaries public appointed or
679 commissioned by the Governor of ~~Virginia~~ the Commonwealth, or appointed or commissioned
680 under the laws of any state other than ~~this~~ the Commonwealth, or any other officer authorized
681 under this chapter to take and certify acknowledgments to deeds and other writings who took
682 and certified such acknowledgments after their term of office had expired, shall be held and ~~the~~
683 same are hereby declared valid and effective in all respects, if otherwise valid according to the
684 law then in force or appear to be valid upon their face, and all such deeds and other writings
685 ~~which~~ that have been ~~admitted to record~~ recorded in any clerk's office in the Commonwealth
686 upon such certificates shall be held to be duly and regularly recorded if such recordation ~~be is~~
687 otherwise valid according to the law then in force.

688 **Drafting note: Technical changes are made.**

689 § ~~55-128~~ 55.1-xxx. Acknowledgments taken by notaries in service during World War I.

690 All certificates of acknowledgment to deeds and other writings taken and certified in ~~this~~
691 the Commonwealth prior to June 18, 1920, by notaries public who served in the army, navy, or
692 marine corps of the United States during World War I shall be held, and ~~the same~~ are hereby
693 declared, valid and effective in all respects, if otherwise valid according to the law then in force.

694 **Drafting note: Technical changes are made.**

695 § ~~55-129~~ 55.1-xxx. Acknowledgments before foreign officials who failed to affix seals.

696 All certificates of acknowledgment to deeds and other writings made and certified prior
697 to July 1, 1995, before officials in any foreign country authorized by law to take and certify such
698 acknowledgments, to which such officials failed to affix their official seals, shall be held, and
699 ~~the same~~ are hereby declared, valid and effective in all respects if otherwise valid according to
700 the law then in force.

701 **Drafting note: Technical change.**

702 § ~~55-130~~ 55.1-xxx. Acknowledgments taken by notaries in foreign countries.

703 All certificates of acknowledgment to deeds and other writings taken and certified prior
704 to July 1, 1995, by notaries public residing in foreign countries shall be held, and ~~the same~~ are
705 hereby declared, valid and effective in all respects, if otherwise valid according to the law then
706 in force.

707 **Drafting note: Technical change.**

708 § ~~55-131~~ 55.1-xxx. Acknowledgments taken by officer who was ~~husband or wife~~ spouse
709 of grantee.

710 Any certificate of acknowledgment to a deed or other writings taken prior to July 1, 1995,
711 by a notary public or other officer duly authorized to take acknowledgments, who at the time of
712 taking such acknowledgment was the ~~husband or wife~~ spouse of the grantee in the deed or other
713 instrument, shall be held, and ~~the same~~ is hereby declared, valid and effective in all respects, if
714 otherwise valid according to the law then in force. All acknowledgments of conveyances to a
715 fiduciary taken before an officer, who is the husband or wife of ~~the same~~ such officer and who
716 has no beneficial or monetary interest other than possible commissions or legal fees shall be
717 conclusively presumed valid.

718 **Drafting note: In accordance with title-wide conventions, the gender-specific terms**
719 **are replaced with gender-neutral ones. Technical changes.**

720 § ~~55-132~~ 55.1-xxx. Acknowledgment when notary certifies erroneously as to expiration
721 of commission.

722 All certificates of acknowledgment to deeds and other writings taken and certified prior
723 to July 1, 1995, by a notary public appointed or commissioned by the Governor, or appointed or
724 commissioned under the laws of any state other than the Commonwealth ~~of Virginia~~, who
725 mistakenly or by error certified that his commission had expired at the time he made such
726 certificate, when in fact his commission had not at that time expired, shall be held; and ~~the same~~
727 are hereby declared; valid and effective in all respects if otherwise valid according to the law of
728 the Commonwealth then in force, and the date and life of the notary's commission may be proved
729 aliunde his certificate in any proceeding in which the capacity or authority of such notary is or
730 shall be questioned; and all such deeds and other writings ~~which that~~ have been ~~admitted to~~
731 ~~record~~ recorded in any clerk's office in the Commonwealth; upon such certificates; shall be held
732 to be duly and regularly recorded if such recordation ~~be is~~ otherwise valid according to the law
733 then in force.

734 **Drafting note: Technical changes.**

735 § ~~55-132.1~~ 55.1-xxx. Acknowledgments before officer of city or county consolidating,
736 etc., prior to expiration date of commission.

737 All certificates of acknowledgment to deeds and other writings taken and certified by a
738 notary public or other officer originally duly authorized to take acknowledgments in any city or
739 county ~~which that~~ consolidated with other political subdivisions or became a city, as the case
740 may be, prior to the normal expiration date of the commission of such notary public or other
741 officer; are hereby declared to be valid to the same extent they would have been valid as if such
742 notary public or other officer had been commissioned for such consolidated political subdivision
743 or city to which any such county was transformed.

744 **Drafting note: Technical changes.**

745 § ~~55-133~~ 55.1-xxx. Acknowledgments taken before notary whose commission has
746 expired.

747 All certificates of acknowledgment to deeds and other writings taken and certified prior
748 to March 22, 1930, by notaries public appointed or commissioned by the Governor; who took

749 and certified such acknowledgments after their term of office had expired, shall be held, and ~~the~~
750 ~~same~~ are hereby declared, valid and effective in all respects, if otherwise valid according to the
751 law then in force, and all such deeds and other writings ~~which that~~ have been ~~admitted to record~~
752 ~~recorded~~ in any clerk's office in the ~~State Commonwealth~~ upon such certificates shall be held to
753 be duly and regularly recorded if such recordation ~~be is~~ otherwise valid according to the law then
754 in force.

755 **Drafting note: Technical changes.**

756 § ~~55-134.1~~ 55.1-xxx. Acknowledgments taken before notary whose commission has
757 expired; later date; intervening vested rights saved.

758 All certificates of acknowledgment to deeds and other writings taken and certified prior
759 to July 1, 1995, by notaries public appointed or commissioned by the Governor, who took and
760 certified such acknowledgments after their term of office had expired, shall be held, and ~~the same~~
761 are hereby declared, valid and effective in all respects, if otherwise valid according to the law
762 then in force, and all such deeds and other writings ~~which that~~ have been ~~admitted to record~~
763 ~~recorded~~ in any clerk's office in the Commonwealth upon such certificates shall be held to be
764 duly and regularly recorded, if such recordation ~~be is~~ otherwise valid according to the law then
765 in force; however, nothing in this section shall be so construed as to affect any intervening vested
766 rights.

767 **Drafting note: Technical changes.**

768 § ~~55-134.1~~ 55.1-xxx. Acknowledgments taken before notary who was appointed but
769 failed to qualify; vested rights saved.

770 All certificates of acknowledgment to deeds and other writings taken and certified prior
771 to July 1, 1995, by a person who was appointed as a notary public by the Governor but who
772 failed to qualify as provided by law shall be held, and ~~the same~~ are hereby declared valid and
773 effective in all respects, if otherwise valid, and all such deeds and other writings ~~which that~~ have
774 been ~~admitted to record~~ ~~recorded~~ in any clerk's office in the Commonwealth upon such
775 certificates shall be held to be duly and regularly recorded, if such recordation ~~be is~~ otherwise

776 valid according to law; however, nothing in this section shall be so construed as to affect any
777 intervening vested rights.

778 **Drafting note: Technical changes.**

779 § ~~55-134.2~~ 55.1-xxx. Acknowledgments taken before a notary at large who failed to cite
780 the jurisdiction in which the acknowledgment was taken; vested rights saved.

781 All certificates of acknowledgment to deeds and other writings taken and certified prior
782 to July 1, 1995, by a person who was appointed a notary public for the Commonwealth at large
783 by the Governor, but who failed to include in such certificates of acknowledgment the county or
784 city-or-county in which the notarial act was performed, shall be held, and ~~the same~~ are hereby
785 declared, valid and effective in all respects, if otherwise valid, and all such deeds and other
786 writings ~~which that~~ have been ~~admitted to record~~ recorded in any clerk's office in the
787 Commonwealth upon such certificates shall be held to be duly and regularly recorded, if such
788 recordation ~~be is~~ otherwise valid according to law; however, nothing in this section shall be so
789 construed as to affect any intervening vested rights.

790 **Drafting note: Technical changes.**

791 § ~~55-135~~ 55.1-xxx. Deeds defectively executed by corporation.

792 Any deed of conveyance of real estate executed in ~~Virginia~~ the Commonwealth prior to
793 July 1, 1995, by a corporation of ~~this the~~ Commonwealth, when the certificate of
794 acknowledgment of such deed fails to state the representative capacity of the party signing ~~the~~
795 same such deed for the corporation, shall be held and ~~the same~~ is hereby declared a valid and
796 effective conveyance in every respect, if otherwise valid according to the law in force at the time
797 the deed was executed, if such corporation, since making such conveyance, has been dissolved
798 or otherwise gone out of existence.

799 **Drafting note: Technical changes.**

800 § ~~55-136~~ 55.1-xxx. Deeds to which corporate seal not affixed or not attested.

801 Any deed of conveyance of real estate executed within or ~~without this~~ outside of the
802 Commonwealth by a corporation of ~~this the~~ Commonwealth or any other state to which deed the

803 seal of the corporation was not affixed, or to which the seal was affixed but was not attested by
804 the secretary or by some other authorized officer of the corporation, shall be held to be valid and
805 is hereby declared a valid and effective conveyance in every respect, if otherwise valid according
806 to the law then in force ~~at the time of execution thereof~~.

807 **Drafting note: Technical changes.**

808 § ~~55-137.1~~ 55.1-xxx. Acknowledgments of corporations taken by officers or stockholders.

809 No acknowledgment heretofore taken to any deed or any writing executed by a company,
810 or for the benefit of a company, shall be held to be invalid by reason of the acknowledgment
811 having been taken by a notary or other officer duly authorized to take acknowledgments who, at
812 the time of taking the acknowledgment, was a stockholder, an officer, or both, in the company
813 ~~which that~~ executed the deed or writing, or for the benefit of which the deed or writing was
814 executed, but who was not otherwise interested in the property conveyed or disposed of by such
815 deed or writing; and such deed or other writing, and the recordation thereof of such deed or other
816 writing, shall be valid in all respects as if this section had been in force when it was executed.

817 **Drafting note: Technical changes.**

818 § ~~55-137.1~~ 55.1-xxx. Recordation certificate not signed by clerk.

819 A. All deeds, orders of probate, fiduciary accounts, and all other papers and writings
820 received prior to July 1, 1995, by any clerk of any court of ~~this the~~ Commonwealth and
821 transcribed, or purported to be transcribed, in the proper book ~~or books~~ in such clerk's office
822 provided by law for the transcribing and recordation of such deeds, orders of probate, fiduciary
823 accounts, or other papers and writings, the certificate of receipt and of recordation of which had
824 not received the attesting signature of such clerk on the date aforesaid, and which had not on
825 such date been verified as required by law, shall prima facie be, and be deemed to be, as truly
826 received, recorded, and verified as if the same had been so attested by the signature of such clerk.

827 B. Every clerk of any court of ~~this the~~ Commonwealth, in whose office any such deed,
828 order of probate, fiduciary account, or other paper or writing as is mentioned in ~~the preceding~~
829 paragraph subsection A has been transcribed upon the proper book ~~or books~~ in such office,

830 provided by law therefor, and which transcription has not received the attesting signature of the
831 clerk who recorded the same, upon production before such clerk of the original of such deed,
832 order of probate, fiduciary account, or paper or writing shall verify the accuracy of such
833 transcription by a careful examination and comparison of such transcription with the original
834 paper so recorded, and thereupon the clerk shall attest such transcription by signing thereto the
835 name of the clerk who received the original paper for record and his own name as follows:

836 "Teste _____, former clerk per
837 _____, his successor."

838 C. For such service the clerk shall receive a fee of ~~twenty five~~ 25 cents (\$0.25), to be
839 paid by the person for whose benefit the service was performed, and the record, so certified and
840 verified, shall have the same effect as if it had been properly certified and verified by the clerk
841 who received the same and who should have so certified and verified the same.

842 D. This section shall have a retroactive effect.

843 **Drafting note: The plural "books" is stricken on the basis of § 1-227, which states**
844 **that throughout the Code any word used in the singular includes the plural and vice versa.**

845 **Technical changes.**

846 § ~~55-137.2~~ 55.1-xxx. ~~Same~~ Recordation certificate not signed by clerk; when clerk has
847 died.

848 Any deed or other instrument or writing ~~spread~~ recorded before July 1, 1995, upon the
849 proper deed book in the clerk's office of the circuit court of any county or any court of record of
850 any city, when the clerk of such court failed to sign the certificate of recordation thereof and
851 afterwards died, and any will or other instrument or writing ~~spread~~ recorded before July 1, 1995,
852 upon the proper will book in any such clerk's office, when such clerk failed to sign the certificate
853 of probate and recordation thereof and afterwards died, shall be as valid, and of the same force
854 and effect, as if such certificate of recordation, or certificate of probate and recordation, had been
855 signed by such clerk at the time such deed, will, or other instrument or writing was so ~~spread of~~
856 record recorded.

857 **Drafting note: Technical change.**

858 Article ~~5~~ 6.

859 ~~Decrees~~, United States Judgments, etc.

860 **Drafting note: Existing Article 5, relating to United States judgments, is retained as**
861 **proposed Article 6. The term "decrees" is deleted from the article title as obsolete.**

862 § ~~55-138~~ 55.1-xxx. Recordation of ~~decrees~~ judgments affecting title to land.

863 The clerk of the court ~~wherein~~ of any county or city in which there is any partition of
864 land under any order ~~or decree~~, or any recovery of land under judgment ~~or decree~~, shall transmit
865 to the clerk of the court of each county or city in whose office deeds to such land or any part
866 thereof are recorded; a copy of such order; or judgment, ~~or decree~~; and of such partition or
867 assignment, and of the order confirming the same, ~~and~~ along therewith with such description of
868 the land as may appear in the papers of the cause. ~~And the~~ The clerk of the court of such county
869 or city shall record the same in his deed book; and index it in the name of the person who had
870 the land before; and also in the name of the person who became entitled under such partition,
871 assignment, or recovery.

872 **Drafting note: Language used in the old equitable pleading practice, including**
873 **"decree," is deleted. Technical changes are made.**

874 ~~§ 55-139. Repealed.~~

875 **Drafting note: Repealed by Acts 1970, c. 76.**

876 § ~~55-140~~ 55.1-xxx. Judgments of United States courts affecting realty.

877 A copy of any judgment; or order ~~or decree~~ of any United States court affecting the title
878 to, boundary or possession of, or any interest in and to; any real estate lying wholly or partly
879 within ~~this~~ the Commonwealth, when duly certified by the proper officer of any such court, may
880 be filed with the clerk of the court in whose office deeds are recorded; of the county or city
881 ~~wherein~~ in which the real estate so affected, or any part ~~thereof~~ of such real estate, is situated,
882 and when so filed shall be recorded by such clerk in the current deed book in his office and
883 indexed in the names of the persons whose interests appear to be affected thereby, upon the

884 payment of the same fee prescribed by law to be paid for the recordation of similar judgments,
885 or orders ~~or decrees~~ of state courts.

886 **Drafting note: Language used in the old equitable pleading practice, including**
887 **"decree," is deleted. Technical changes are made.**

888 § ~~55-141~~ 55.1-xxx. ~~Decrees and orders~~ Orders in bankruptcy.

889 Certified copies of orders ~~or decrees~~ of adjudication of bankruptcy, made pursuant to the
890 acts of Congress relating to bankruptcy, certified copies of orders of sale, orders confirming
891 sales, and such other orders entered in bankruptcy proceedings as any party in interest may wish
892 to have recorded in the appropriate clerk's office, or such orders as the referee or the judge having
893 jurisdiction directs to be recorded, may be filed with the clerk of the court authorized to record
894 deeds for the county or city ~~wherein~~ in which any real estate owned by the bankrupt is situated.
895 Such ~~decrees~~ orders shall be recorded in the deed books and indexed in the name of the bankrupt.
896 For each such recordation, the clerk shall be paid a fee as prescribed in subdivision A 2 of § 17.1-
897 275.

898 **Drafting note: Language used in the old equitable pleading practice, including**
899 **"decrees," is deleted. Technical changes are made.**

900 ~~§ 55-142. Repealed.~~

901 **Drafting note: Repealed by Acts 1988, c. 100.**

902 § ~~55-142.01~~ 55.1-xxx. Certificates of commencement of case in bankruptcy.

903 Certificates of commencement of case, signed by clerks of bankruptcy courts or clerks of
904 United States district courts, issued pursuant to the acts of Congress relating to bankruptcy, may
905 be filed with the clerk of the court authorized to record deeds for the county or city in which the
906 property of the debtor, for which such certificate has been issued, is located. Such certificate
907 shall be recorded in the deed books and properly indexed in the name of the trustee in bankruptcy
908 in the grantee index and the debtor in the grantor index. For such recordation, the clerk shall
909 receive a fee as prescribed in subdivision A 2 of § 17.1-275.

910 **Drafting note: Technical changes.**

911 Article ~~6~~ 7.

912 Uniform Federal Lien Registration Act.

913 **Drafting note: Existing Article 6, relating to the Uniform Federal Lien Registration**
914 **Act, is retained as proposed Article 7.**

915 § ~~55-142.1~~ 55.1-xxx. Where notices and certificates affecting liens to be filed.

916 A. Notices of liens, certificates, and other notices affecting federal tax liens or other
917 federal liens shall be filed in accordance with this article.

918 B. Notices of liens upon real property for obligations payable to the United States, and
919 certificates and notices affecting the liens, including certificates of redemption, shall be filed in
920 the office of the clerk of the circuit court of the county or city in which the real property subject
921 to the lien is situated.

922 C. Notices of liens upon personal property, whether tangible or intangible, for obligations
923 payable to the United States and certificates and notices affecting the liens shall be filed as
924 follows:

925 1. If the person against whose interest the lien applies is a corporation or a partnership
926 whose principal executive office is in ~~this~~ the Commonwealth, as these entities are defined in the
927 internal revenue laws of the United States, in the office of the clerk of the State Corporation
928 Commission.

929 2. In all other cases, in the office of the clerk of the circuit court of the county or city (i)
930 where the person against whose interest the lien applies resides or (ii) in the case of a trust or a
931 decedent's estate, having jurisdiction over the qualification of the trustee or probate of the will,
932 at the time of filing of the notice of lien.

933 **Drafting note: Technical changes.**

934 § ~~55-142.2~~ 55.1-xxx. Certification of notices and certificates.

935 Certification of notices of tax liens, certificates, or other notices affecting federal liens
936 by the Secretary of the Treasury of the United States or his delegate or by any official or entity

937 of the United States responsible for filing or certifying notice of any lien other than a tax lien,
938 entitles them to be filed, and no other attestation, certification, or acknowledgment is necessary.

939 **Drafting note: Technical changes.**

940 § ~~55-142.3~~ 55.1-xxx. Duties of filing officers.

941 A. If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation
942 of any certificate described in subsection B is presented to the filing officer and:

943 1. He is the clerk of the State Corporation Commission, he shall cause the notice to be
944 marked, held, and indexed in accordance with the provisions of § 8.9A-519 as if the notice were
945 a financing statement ~~within the meaning of that Code~~ as defined in § 8.9A-102; or

946 2. He is any other officer described in § ~~55-142.1~~ 55.1-xxx, he shall endorse thereon his
947 identification and the date and time of receipt and ~~forthwith~~ file it alphabetically or enter it in an
948 alphabetical index showing the name and address of the person named in the notice, the date and
949 time of receipt, the serial number of the district director in the case of tax liens, and the total
950 amount appearing on the notice of lien, and he shall index and record the same where judgments
951 are indexed and recorded.

952 B. If a certificate of release, nonattachment, discharge, or subordination of any lien is
953 presented to the clerk of the State Corporation Commission for filing, he shall:

954 1. Cause a certificate of release or nonattachment to be marked, held, and indexed as if
955 the certificate were a termination statement within the meaning of § 8.9A-513, except that the
956 notice of lien to which the certificate relates shall not be removed from the files; and

957 2. Cause a certificate of discharge or subordination to be held, marked, and indexed as if
958 the certificate were a release of collateral within the meaning of § 8.9A-512.

959 C. If a refiled notice of federal lien referred to in subsection A or any of the certificates
960 or notices referred to in subsection B is presented for filing to any other filing officer specified
961 in § ~~55-142.1~~ 55.1-xxx, he shall permanently attach the refiled notice or the certificate to the
962 original notice of lien and shall enter the refiled notice or the certificate with the date of filing in
963 any alphabetical lien index on the line where the original notice of lien is entered.

964 D. Upon request of any person, the filing officer shall issue his certificate showing
965 whether there is on file, on the date and hour stated therein, any notice of lien or certificate or
966 notice affecting any lien filed under this article, naming a particular person, and if a notice or
967 certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a
968 certificate is ~~one dollar~~ \$1. Upon request, the filing officer shall furnish a copy of any notice of
969 federal tax lien or notice or certificate affecting a federal lien for a fee of ~~fifty 50~~ cents (\$0.50)
970 per page.

971 **Drafting note: In subdivision A 1, the specific section in which the term "financing**
972 **statement" is defined is cross-referenced. Technical changes are made.**

973 § ~~55-142.4~~ 55.1-xxx. Fees of filing officers other than clerk of State Corporation
974 Commission.

975 The fee to be paid to any officer other than the clerk of the State Corporation Commission
976 for filing and indexing each notice of lien or certificate or notice affecting the lien or providing
977 a copy of such notice or certificate of such notice is ~~five dollars~~ \$5.

978 The officer shall bill the district directors of internal revenue or other appropriate federal
979 officials on a monthly basis for fees for documents filed by them.

980 **Drafting note: Technical change.**

981 § ~~55-142.5~~ 55.1-xxx. Fees of clerk of State Corporation Commission.

982 Notwithstanding any other provisions hereof of this article, the fees for filing, indexing,
983 searching, or amending or for certificates of discharge or subordination, or any other fee ~~which~~
984 that may be chargeable, by the clerk of the State Corporation Commission shall be the same as
985 those permitted to be charged according to the schedule of fees maintained by the clerk of the
986 State Corporation Commission.

987 **Drafting note: Technical changes.**

988 § ~~55-142.6~~ 55.1-xxx. Construction of article.

989 This article shall be so interpreted and construed as to effectuate its general purpose to
990 make uniform the law of those states ~~which~~ that enact it.

991 **Drafting note: Technical change.**

992 ~~§ 55-142.7. Short title.~~

993 ~~This article may be cited as the Uniform Federal Lien Registration Act.~~

994 **Drafting note: Existing § 55-142.7 is recommended for repeal on the basis of § 1-**
995 **244, which states that the caption of a subtitle, chapter, or article operates as a short title**
996 **citation. The short title citation is retained in the name of the proposed article.**

997 ~~§ 55-142.8~~ 55.1-xxx. Certificates and notices affecting liens filed on or before July 1,
998 1970.

999 If a notice of lien was filed on or before July 1, 1970, any certificate or notice affecting
1000 the lien shall be filed in the same office.

1001 **Drafting note: No change.**

1002 ~~§ 55-142.9~~ 55.1-xxx. No action to be brought against the State Corporation Commission
1003 or its staff.

1004 No action shall be brought against the State Corporation Commission or any member of
1005 the staff ~~thereof~~ of the State Corporation Commission claiming damage for alleged errors or
1006 omissions in the performance of the duties ~~herein~~ imposed by this article on the ~~said~~ State
1007 Corporation Commission.

1008 **Drafting note: Technical changes.**

1009 Article ~~7~~ 8.

1010 Uniform Real Property Electronic Recording Act.

1011 **Drafting note: Existing Article 7, relating to the Uniform Real Property Electronic**
1012 **Recording Act, is retained as proposed Article 8.**

1013 ~~§ 55-142.10~~ 55.1-xxx. Definitions.

1014 As used in this article, ~~terms shall have the meanings as defined below~~ unless the context
1015 requires a different meaning:

1016 "Clerk" means a clerk of the circuit court.

1017 "Document" means information that is:

1018 ~~(i) inscribed-1. Inscribed~~ on a tangible medium or that is stored in an electronic or other
1019 medium and is retrievable in perceivable form; and

1020 ~~(ii) eligible-2. Eligible~~ to be recorded in the land records maintained by the clerk.

1021 "Electronic," as defined in Uniform Electronic Transactions Act (§ 59.1-479 et seq.),
1022 means relating to technology having electrical, digital, magnetic, wireless, optical,
1023 electromagnetic, or similar capabilities.

1024 "Electronic document" means a document received by the clerk in electronic form.

1025 "Electronic notarization" means an official act by a notary public in accordance with the
1026 Virginia Notary Act (§ 47.1-1 et seq.) and ~~§ 55-118.3~~ 55.1-xxx with respect to an electronic
1027 document.

1028 "Electronic signature," as defined in the Uniform Electronic Transactions Act (§ 59.1-
1029 479 et seq.), means an electronic sound, symbol, or process attached to or logically associated
1030 with a record and executed or adopted by a person with the intent to sign the record.

1031 "eRecording System" is the automated electronic recording system implemented by the
1032 clerk for the recordation of electronic documents among the land records maintained by the clerk.

1033 "Filer" means an individual, corporation, business trust, estate, trust, partnership, limited
1034 liability company, association, joint venture, public body, public corporation, government, or
1035 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity
1036 ~~who~~ that files an electronic document among the land records maintained by the clerk.

1037 "Land records document" means any writing authorized by law to be recorded, whether
1038 made on paper or in electronic format, ~~which~~ that the clerk records affecting title to real property.

1039 **Drafting note: Technical changes.**

1040 ~~§ 55-142.11~~ 55.1-xxx. Validity of electronically filed and recorded land records.

1041 A. If a law requires, as a condition for recording, that a land records document be an
1042 original, be on paper or another tangible medium, or be in writing, an electronic land records
1043 document satisfying this ~~Act~~ article satisfies the law.

1044 B. If a law requires, as a condition for recording, that a land records document be signed,
1045 an electronic signature satisfies the law.

1046 C. A requirement that a land records document or a signature associated with a land
1047 records document be notarized, acknowledged, verified, witnessed, or made under oath is
1048 satisfied if the electronic notarization of the person authorized to perform that act, and all other
1049 information required to be included, is attached to or logically associated with the land records
1050 document or signature. A physical or electronic image of a stamp, impression, or seal of the
1051 notary is not required to accompany an electronic signature.

1052 **Drafting note: Technical change.**

1053 [§ ~~55-142.12~~ 55.1-xxx](#). Recording of electronic documents among the land records.

1054 A. A clerk of a circuit court who implements an eRecording System shall do so in
1055 compliance with standards established by the Virginia Information Technologies Agency.

1056 B. A clerk of a circuit court may receive, index, store, archive, and transmit electronic
1057 land records.

1058 C. A clerk of a circuit court may provide for access to, and for search and retrieval of,
1059 land records by electronic means.

1060 D. A clerk of a circuit court who accepts electronic documents for recording among the
1061 land records shall continue to accept paper land records and shall place entries for both types of
1062 land records in the same indices.

1063 E. A clerk of a circuit court may convert paper records accepted for recording into
1064 electronic form. The clerk of circuit court may convert into electronic form land records
1065 documents recorded before the clerk of circuit court began to record electronic records.

1066 F. Any fee or tax that a clerk of circuit court is authorized to collect may be collected
1067 electronically.

1068 **Drafting note: No change.**

1069 [§ ~~55-142.13~~ 55.1-xxx](#). Uniform standards.

1070 In consultation with the circuit court clerks, the Executive Secretary of the Supreme
1071 Court, and interested citizens and businesses, the Virginia Information Technologies Agency
1072 shall develop standards to implement electronic recording of real property documents. The
1073 [Virginia Information Technologies](#) Agency shall consider standards and practices of other
1074 jurisdictions; the most recent standards promulgated by national standard-setting bodies, such
1075 as the Real Property Records Industry Association, [the](#) views of interested persons and other
1076 governmental entities; and [the](#) needs of localities of varying sizes, population, and resources.

1077 **Drafting note: Technical changes.**

1078 § ~~55-142.14~~ [55.1-xxx](#). Uniformity of application and construction.

1079 In applying and construing this ~~Act~~ [article](#), consideration shall be given to the need to
1080 promote uniformity of the law with respect to its subject matter among states that enact it.

1081 **Drafting note: Technical change.**

1082 #