



COMMONWEALTH OF VIRGINIA
Rockingham County
OFFICE OF THE CLERK OF CIRCUIT COURT
80 COURT SQUARE, HARRISONBURG, VA 22802
540-564-3111



CHAZ W. HAYWOOD, CLERK
APRIL WOLVERTON, CHIEF DEPUTY

Land Records Updates for July 1, 2020

Fee Increases:

- HB306/SB938 - Increases the Library of Virginia Fee Collected for Recording and Indexing from \$1.50 to \$3.50. – This is part of the clerk's fee that is collected for each document.
 - Also applies to oversized plat (larger than 8.5x14) fee – Will be an additional \$22 for each page
 - This fee increase also affects probate filings.
- HB1623 – Increases Open Space Preservation Fee from \$1 to \$3 – This is part of the clerk's fee that is collected for each document.
 - This fee is not collected on deeds or deeds of trust with property solely in the City of Harrisonburg.

Exemption Code changes:

- **HB1580 – Update to exemption code**
 - 58.1-810(3): A deed to which a husband and wife spouses are the only parties.

Prohibited Covenants:

- **HB788 - Regarding certain prohibited covenants:**
 - **Restrictive covenants; certificate of release of certain prohibited covenants.** Prohibits a deed containing a restrictive covenant from being recorded on or after July 1, 2020, and provides the form for a Certificate of Release of Certain Prohibited Covenants to be recorded to remove any such restrictive covenant.
 - *No deed recorded on or after July 1, 2020, shall contain a reference to the specific portion of a restrictive covenant purporting to restrict the ownership or use of the property as prohibited by subsection A of § 36-96.6. The clerk may refuse to accept any deed submitted for recordation that references the specific portion of any such restrictive covenant. The attorney who prepares or submits a deed for recordation has the responsibility of ensuring that the specific portion of such a restrictive covenant is not specifically referenced in the deed prior to such deed being submitted for recordation. A deed may include a general provision that states that such deed is subject to any and all covenants and restrictions of record; however, such provision shall not apply to the specific portion of a restrictive covenant purporting to restrict the ownership or use of the property as prohibited by subsection A of § 36-96.6. Any deed that is recorded in the land records on or after July 1, 2020, that mistakenly contains such a restrictive covenant shall nevertheless constitute a valid transfer of real property.*
 - **§ 55.1-300.1. Certificate of Release of Certain Prohibited Covenants.** (New Form CC-1508)
 - *Any restrictive covenant prohibited by subsection A of § 36-96.6 may be released by the owner of real property subject to such covenant by recording a Certificate of Release of Certain Prohibited Covenants. The real property owner may record such certificate (i) prior to recordation of a deed conveying real property to a purchaser or (ii) when such real property owner discovers that such prohibited covenant exists and chooses to affirmatively release the same. Such certificate may be prepared without assistance of an attorney, but shall conform substantially to the following Certificate of Release of Certain Prohibited Covenants form: (form shown in code section, also form CC-1508)*

Regarding parcel ID/tax map ID required under § 17.1-252

- The City of Harrisonburg has updated their Real Estate Information System and the number that was previously referenced as the Parcel ID or Map number in the old system is now referenced as the Account # in the new system/property cards. We will not accept the PID number, only the Account #, i.e. 32 Z 15
- Rockingham County – Parcel ID/Tax Map numbers need to be formatted as shown in the GIS system or assessment card, i.e. 129G-(10)- L110. If submitted with 129G10110 for the ID # on the first page, it will not be accepted as it cannot be indexed as shown.
- Also, a reminder that references for all parcels involved in the instrument need to be referenced on the first page. If the instrument involves 5 parcels, there should be 5 references on the first page.
 - Instances where lots are consecutively numbered or the ID remains the same with only the lot number changing, references like 129G-(10)- L110-115 or 129G-(10)- L110, L112, L114 will be acceptable.

Reminder:

- Pursuant to 17.1-223(A) v. the name of each party to such writing under whose name the writing is to be indexed as grantor, grantee, or both is listed in the first clause of the writing that identifies the names of the parties and identified therein as grantor, grantee, or both, as applicable.
 - A cover sheet with names in proper format identified as grantor and grantee is also acceptable per the Code. However, names that are listed on exhibits or within the writing, i.e. not the first clause, will not be indexed. If a form is available and a first clause would not exist due to the format of the form, we will index by the designated fields on the form. A certificate of satisfaction, for example, will be indexed by the grantor(s) and the trustee(s) fields.