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1 **HOUSE BILL NO. 448**

2 Offered January 14, 2026

3 Prefiled January 12, 2026

4 *A BILL to amend and reenact §§ 8.9A-502, 17.1-275, and 58.1-811, as it is currently effective and as it may*
5 *become effective, of the Code of Virginia, relating to land records; certain financing statements;*
6 *recording and indexing fees.*

7 Patron—Simon

8 Committee Referral Pending

9 **Be it enacted by the General Assembly of Virginia:**10 **1. That §§ 8.9A-502, 17.1-275, and 58.1-811, as it is currently effective and as it may become effective,**
11 **of the Code of Virginia are amended and reenacted as follows:**12 **§ 8.9A-502. Contents of financing statement; record of mortgage as financing statement; time of**
13 **filing financing statement.**14 (a) Sufficiency of financing statement. Subject to subsection (b), a financing statement is sufficient only if
15 it:

16 (1) provides the name of the debtor;

17 (2) provides the name of the secured party or a representative of the secured party; and

18 (3) indicates the collateral covered by the financing statement.

19 (b) Real-property-related financing statements. Except as otherwise provided in § 8.9A-501 (b), to be
20 sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a
21 fixture filing and covers goods that are or are to become fixtures, must satisfy subsection (a) and also:

22 (1) indicate that it covers this type of collateral;

23 (2) indicate that it is to be filed for record in the real property records;

24 (3) provide a description of the real property to which the collateral is related sufficient to give
25 constructive notice of a mortgage under the law of this state if the description were contained in a record of
26 the mortgage of the real property; and27 (4) if the debtor does not have an interest of record in the real property, provide the name of a record
28 owner.29 (c) Record of mortgage as financing statement. A record of a mortgage is effective, from the date of
30 recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted
31 collateral or timber to be cut only if:

32 (1) the record indicates the goods or accounts that it covers;

33 (2) the goods are or are to become fixtures related to the real property described in the record or the
34 collateral is related to the real property described in the record and is as-extracted collateral or timber to be
35 cut;

36 (3) the record satisfies the requirements for a financing statement in this section, but:

37 (A) the record need not indicate that it is to be filed in the real property records; and

38 (B) the record sufficiently provides the name of a debtor who is an individual if it provides the individual
39 name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to
40 whom § 8.9A-503(a)(4) applies; and

41 (4) the record is duly recorded.

42 (d) Filing before security agreement or attachment. A financing statement may be filed before a security
43 agreement is made or a security interest otherwise attaches.

44 (e) Recording and indexing a multipurpose deed of trust or mortgage incorporating a financing statement.

45 Where a multipurpose deed of trust or mortgage that incorporates a financing statement as a part of the deed
46 of trust or mortgage and is identified on the first page as a multipurpose deed of trust or a multipurpose
47 mortgage in accordance with the provisions of subdivision A 2a of § 17.1-275 is recorded, no clerk of a
48 circuit court shall keep the original document as he would with a financing statement only. Fees for
49 recording and indexing such record of a multipurpose deed of trust or mortgage of a financing statement
50 shall be assessed pursuant to subdivision A 2a of § 17.1-275.51 **§ 17.1-275. Fees collected by clerks of circuit courts; generally.**

52 A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

53 1. [Repealed.]

54 2. For recording and indexing in the proper book any writing and all matters therewith, or for recording
55 and indexing anything not otherwise provided for, \$18 for an instrument or document consisting of 10 or
56 fewer pages or sheets; \$32 for an instrument or document consisting of 11 to 30 pages or sheets; and \$52 for
57 58

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59 an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded
60 includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets
61 shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this
62 section. A fee of \$17 per page or sheet shall be charged with respect to plat or map sheets larger than eight
63 and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for
64 recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds
65 of trust. Three dollars and fifty cents of the fee collected for recording and indexing shall be designated for
66 use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be
67 administered by The Library of Virginia in cooperation with the circuit court clerks.

68 *2a. For recording and indexing in the proper book a multipurpose deed of trust or mortgage as described
69 in this section, \$200 for an instrument or document consisting of 10 or fewer pages or sheets; \$250 for an
70 instrument or document consisting of 11 to 30 pages or sheets; and \$300 for an instrument or document
71 consisting of 31 or more pages or sheets. Where a deed of trust or mortgage, whether commercial or not,
72 serves multiple purposes and contains two or more components that may serve as independent legal
73 instruments for independent legal purposes, no clerk shall assess separate fees for recording and indexing
74 such document for each independent legal purpose and shall have no duty to index the document other than
75 as a deed of trust or mortgage. However, the standard fees, and not the fees set forth in this subsection, shall
76 apply where multiple copies of the document are provided for recordation with a request that they be indexed
77 as individual legal instruments. A multipurpose deed of trust or mortgage may include a deed of trust or
78 mortgage, a security agreement, an assignment of rents and leases, or any real-property-related financing
79 statement pursuant to § 8.9A-502, including such financing statement that covers as-extracted collateral or
80 timber to be cut, or that is filed as a fixture for filing and covers goods that are to become fixtures. A
81 multipurpose deed of trust or mortgage shall set forth on the front page, either in capital letters or in
82 language underscored, "THIS IS A MULTIPURPOSE DEED OF TRUST" or "THIS IS A MULTIPURPOSE
83 MORTGAGE." Such phrase shall convey notice to all parties, irrespective of how the instrument is recorded
84 and indexed, that the instrument may serve independent legal purposes. Such multiple purposes shall not
85 include a transfer of title of real estate to anyone other than a trustee under a deed of trust.*

86 3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other
87 fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000,
88 \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for
89 estates of \$5,000 or less.

90 4. For entering and granting and for issuing any license, other than a marriage license or a hunting and
91 fishing license, and administering an oath when necessary, \$10.

92 5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or
93 affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to
94 § 20-25, \$25 to be paid by the petitioner.

95 6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all
96 necessary oaths and writing proper affidavits, \$3.

97 7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall
98 be \$15 in cases not exceeding \$500 and \$25 in all other cases.

99 8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not
100 otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image.
101 From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the
102 remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be
103 deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and
104 appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of
105 this section, the costs of making out the copies authorized under this section shall include costs included in
106 the lease and maintenance agreements for the equipment and the technology needed to operate electronic
107 systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The
108 costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no
109 charge to the recipient of a final order or decree to send an attested copy to such party.

110 9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the
111 clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk
112 shall charge an additional \$0.50.

113 10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et
114 seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of
115 \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to
116 the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

117 11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et
118 seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for
119 each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as
120 costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided

121 in § 17.1-275.8.

122 12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor
123 vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall
124 charge the defendant fees and costs as if he had been convicted.

125 13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee
126 chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases
127 seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding
128 \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars
129 of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of
130 \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees.
131 There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees
132 prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a
133 third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the
134 commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court
135 of Virginia.

136 13a. For the filing of any petition seeking court approval of a settlement where no action has yet been
137 filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing
138 the petition.

139 14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by
140 confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or
141 certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of
142 the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and
143 (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A
144 17.

145 15. For qualifying notaries public, including the making out of the bond and any copies thereof,
146 administering the necessary oaths, and entering the order, \$10.

147 16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder.
148 This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

149 17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and
150 indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not
151 when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of
152 \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing,
153 docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

154 18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by
155 law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this
156 subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce
157 from the bond of matrimony.

158 19, 20. [Repealed.]

159 21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond
160 pursuant to the provisions of § 8.01-529, \$1.

161 22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

162 23. For preparation and issuance of a subpoena duces tecum, \$5.

163 24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20;
164 however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

165 25. For providing court records or documents on microfilm, per frame, \$0.50.

166 26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or
167 more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10
168 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the
169 plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the
170 final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a
171 claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim
172 or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any
173 annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a
174 divorce or separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall
175 include the furnishing of a duly certified copy of both such decrees.

176 27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including
177 filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting
178 such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such
179 convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per
180 transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings
181 pursuant to § 17.1-258.3. Nothing herein shall be construed to prohibit the clerk from outsourcing the
182 processing of credit and debit card transactions to a third-party private vendor engaged by the clerk.

183 Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.

184 28. For the return of any check unpaid by the financial institution on which it was drawn or notice is
185 received from the credit or debit card issuer that payment will not be made for any reason, the clerk may
186 collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

187 29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1,
188 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed
189 under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to
190 § 63.2-1201, except those filed pursuant to subdivisions 4 and 5 of § 63.2-1210, an additional \$50 filing fee
191 as required under § 63.2-1201 shall be deposited in the Virginia Birth Father Registry Fund pursuant to
192 § 63.2-1249.

193 30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same
194 amount as the fee for the original license.

195 31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of \$5 to be
196 paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.2-1021,
197 as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a
198 deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or
199 order is entered.

200 32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court,
201 including all papers necessary to be copied and other services rendered, except in cases in which costs are
202 assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9,
203 a fee of \$20.

204 33. [Repealed.]

205 34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55.1-653 et seq.), the fees shall
206 be as prescribed in that Act.

207 35. [Repealed.]

208 36. For recordation of certificate and registration of names of nonresident owners in accordance with
209 § 59.1-74, a fee of \$10.

210 37. For maintaining the information required under the Overhead High Voltage Line Safety Act
211 (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

212 38. For lodging, indexing, and preserving a will in accordance with § 64.2-409, a fee of \$5.

213 39. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under §
214 8.9A-525.

215 40. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under
216 § 8.9A-525.

217 41. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed
218 under § 8.9A-525.

219 42. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

220 43. For issuing any execution, and recording the return thereof, a fee of \$1.50.

221 44. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5.
222 If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional
223 fee of \$1.50, in accordance with subdivision A 44.

224 B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if
225 applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation
226 or maintenance.

227 C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if
228 applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor,
229 without charge, by a nonprofit legal aid program.

230 D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if
231 applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

232 E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a
233 special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

234 F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services
235 above described.

236 **§ 58.1-811. (Contingent expiration date — see note) Exemptions.**

237 A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or
238 lease of real estate:

239 1. To an incorporated college or other incorporated institution of learning not conducted for profit, where
240 such real estate is intended to be used for educational purposes and not as a source of revenue or profit;

241 2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body,
242 or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for
243 religious purposes, or for the residence of the minister of any such church or religious body;

244 3. To the United States, the Commonwealth, or to any county, city, town, district, or other political

245 subdivision of the Commonwealth;

246 4. To the Virginia Division of the United Daughters of the Confederacy;

247 5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or
248 hospitals not for pecuniary profit;

249 6. To a corporation upon its organization by persons in control of the corporation in a transaction which
250 qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the
251 time of the conveyance;

252 7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a
253 transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal
254 Revenue Code as it exists at the time of liquidation;

255 8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability
256 company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization
257 within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

258 9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent
259 corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as
260 amended;

261 10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50
262 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer
263 to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid
264 recordation taxes;

265 11. From a partnership or limited liability company, when the grantees are entitled to receive not less than
266 50 percent of the profits and surplus of such partnership or limited liability company, provided that the
267 transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid
268 recordation taxes;

269 12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the
270 trust are the same persons, regardless of whether other beneficiaries may also be named in the trust
271 instrument, when no consideration has passed between the grantor and the beneficiaries;

272 13. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue
273 Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate
274 low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to
275 afford to buy a home through conventional means;

276 14. When it is a deed of partition, or any combination of deeds simultaneously executed and having the
277 effect of a deed of partition, among joint tenants, tenants in common, or coparceners; or

278 15. When it is a deed transferring property pursuant to a decree of divorce or of separate maintenance or
279 pursuant to a written instrument incident to such divorce or separation.

280 B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

281 1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

282 2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or
283 religious body, or given by a corporation mentioned in § 57-16.1;

284 3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a
285 hospital or hospitals not for pecuniary profit;

286 4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt
287 payable to any other local governmental entity or political subdivision;

288 5. Securing a loan made by an organization described in subdivision A 13;

289 6. Securing a loan made by a county, city, or town, or an agency of such a locality, to a borrower whose
290 household income does not exceed 80 percent of the area median household income established by the U.S.
291 Department of Housing and Urban Development, for the purpose of erecting or rehabilitating a home for such
292 borrower, including the purchase of land for such home; or

293 7. Given by any entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

294 C. The tax imposed by § 58.1-802 and the fee imposed by §§ 58.1-802.3, 58.1-802.4 and 58.1-802.5 shall
295 not apply to any:

296 1. Transaction described in subdivisions A 6 through 12, 14, and 15;

297 2. Instrument or writing given to secure a debt;

298 3. Deed conveying real estate from an incorporated college or other incorporated institution of learning
299 not conducted for profit;

300 4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town,
301 district, or other political subdivision thereof;

302 5. Conveyance of real estate to the Commonwealth or any county, city, town, district, or other political
303 subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to
304 § 58.1-802 or subject to the fee under § 58.1-802.3 or 58.1-802.5; or

305 6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an
306 incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

307 D. No recordation tax shall be required for the recordation of any deed of gift, *quitclaim deed, or deed to*
308 *correct a fraudulently recorded deed, including a deed of trust, between a grantor or grantors and a grantee or*
309 *grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed*
310 *of gift, quitclaim deed without consideration, or deed to correct a fraudulently recorded deed.*

311 E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or
312 any county, city, town, district, or other political subdivision of the Commonwealth.

313 F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-802.3, 58.1-802.5, 58.1-807, 58.1-808, and
314 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature
315 Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such
316 deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness,
317 natural, or open space areas.

318 G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees
319 mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

320 H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if
321 the release is contained within a single deed that performs more than one function, and at least one of the
322 other functions performed by the deed is subject to the recordation tax.

323 I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or
324 other document recorded in connection with a concession pursuant to the Public-Private Transportation Act
325 of 1995 (§ 33.2-1800 et seq.) or similar federal law.

326 J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation
327 of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et
328 seq.) when no consideration has passed between the parties.

329 K. No recordation tax levied pursuant to this chapter shall be required for the recordation of any deed of
330 distribution when no consideration has passed between the parties. Such deed shall state therein on the front
331 page that it is a deed of distribution. As used in this subsection, "deed of distribution" means a deed
332 conveying property from an estate or trust (i) to the original beneficiaries of a trust from the trustees holding
333 title under a deed in trust; (ii) the purpose of which is to comply with a devise or bequest in the decedent's
334 will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a
335 dispositive provision in the trust instrument; (iii) that carries out the exercise of a power of appointment; or
336 (iv) is pursuant to the exercise of the power under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.).

337 **§ 58.1-811. (Contingent effective date — see note) Exemptions.**

338 A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or
339 lease of real estate:

340 1. To an incorporated college or other incorporated institution of learning not conducted for profit, where
341 such real estate is intended to be used for educational purposes and not as a source of revenue or profit;

342 2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body,
343 or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for
344 religious purposes, or for the residence of the minister of any such church or religious body;

345 3. To the United States, the Commonwealth, or to any county, city, town, district, or other political
346 subdivision of the Commonwealth;

347 4. To the Virginia Division of the United Daughters of the Confederacy;

348 5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or
349 hospitals not for pecuniary profit;

350 6. To a corporation upon its organization by persons in control of the corporation in a transaction which
351 qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the
352 time of the conveyance;

353 7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a
354 transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal
355 Revenue Code as it exists at the time of liquidation;

356 8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability
357 company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization
358 within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

359 9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent
360 corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as
361 amended;

362 10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50
363 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer
364 to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid
365 recordation taxes;

366 11. From a partnership or limited liability company, when the grantees are entitled to receive not less than
367 50 percent of the profits and surplus of such partnership or limited liability company, provided that the
368 transfer from a limited liability company is not subsequent to a transfer of control of the assets of the

369 company to avoid recordation taxes;

370 12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the
371 trust are the same persons, regardless of whether other beneficiaries may also be named in the trust
372 instrument, when no consideration has passed between the grantor and the beneficiaries;

373 13. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue
374 Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate
375 low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to
376 afford to buy a home through conventional means;

377 14. Pursuant to any deed of partition, or any combination of deeds simultaneously executed and having
378 the effect of a deed of partition, among joint tenants, tenants in common, or coparceners; or

379 15. Pursuant to any deed transferring property pursuant to a decree of divorce or of separate maintenance
380 or pursuant to a written instrument incident to such divorce or separation.

381 B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

382 1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

383 2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or
384 religious body, or given by a corporation mentioned in § 57-16.1;

385 3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a
386 hospital or hospitals not for pecuniary profit;

387 4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt
388 payable to any other local governmental entity or political subdivision;

389 5. Securing a loan made by an organization described in subdivision A 13;

390 6. Securing a loan made by a county, city, or town, or an agency of such a locality, to a borrower whose
391 household income does not exceed 80 percent of the area median household income established by the U.S.
392 Department of Housing and Urban Development, for the purpose of erecting or rehabilitating a home for such
393 borrower, including the purchase of land for such home; or

394 7. Given by any entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

395 C. The tax imposed by § 58.1-802 shall not apply to any:

396 1. Transaction described in subdivisions A 6 through 12, 14, and 15;

397 2. Instrument or writing given to secure a debt;

398 3. Deed conveying real estate from an incorporated college or other incorporated institution of learning
399 not conducted for profit;

400 4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town,
401 district, or other political subdivision thereof;

402 5. Conveyance of real estate to the Commonwealth or any county, city, town, district, or other political
403 subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to
404 § 58.1-802; or

405 6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an
406 incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

407 D. No recordation tax shall be required for the recordation of any deed of gift, *quitclaim deed, or deed to*
408 *correct a fraudulently recorded deed, including a deed of trust*, between a grantor or grantors and a grantee or
409 grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed
410 of gift, *quitclaim deed without consideration, or deed to correct a fraudulently recorded deed*.

411 E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or
412 any county, city, town, district, or other political subdivision of the Commonwealth.

413 F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-807, 58.1-808, and 58.1-814 shall not apply
414 to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease
415 of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real
416 estate is intended to be used exclusively for the purpose of preserving wilderness, natural, or open space
417 areas.

418 G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees
419 mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

420 H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if
421 the release is contained within a single deed that performs more than one function, and at least one of the
422 other functions performed by the deed is subject to the recordation tax.

423 I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or
424 other document recorded in connection with a concession pursuant to the Public-Private Transportation Act
425 of 1995 (§ 33.2-1800 et seq.) or similar federal law.

426 J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation
427 of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et
428 seq.) when no consideration has passed between the parties.

429 K. No recordation tax levied pursuant to this chapter shall be required for the recordation of any deed of
430 distribution when no consideration has passed between the parties. Such deed shall state therein on the front

431 page that it is a deed of distribution. As used in this subsection, "deed of distribution" means a deed
432 conveying property from an estate or trust (i) to the original beneficiaries of a trust from the trustees holding
433 title under a deed in trust; (ii) the purpose of which is to comply with a devise or bequest in the decedent's
434 will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a
435 dispositive provision in the trust instrument; (iii) that carries out the exercise of a power of appointment; or
436 (iv) is pursuant to the exercise of the power under the Uniform Trust Decanting Act (§ 64.2-779.1 et seq.).