Date 3-8-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

ENROLLED

Com. Sub. for HOUSE BILL No. 1220

(By Mr. allnight)

Passed February 25, 1982 In Effect Minety Days From Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1220

(By Mr. ALBRIGHT)

[Passed February 25, 1982; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article six, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring post judgment process, in a case before a magistrate in which a suggestion of salary and wages is instituted and such suggestion is more appropriately conducted in another county, to be delivered to the sheriff of that county with return to the issuing clerk.

Be it enacted by the Legislature of West Virginia:

That section one, article six, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6. ENFORCEMENT OF CIVIL JUDGMENTS.

§50-6-1. Enforcement of judgments.

- 1 (a) The provisions of articles three, four, five, five-a,
- 2 five-b and six, chapter thirty-eight of this code, except as
- 3 the same are in conflict with the provisions of this chapter
- 4 or are clearly applicable only to courts of record, shall apply
- 5 to the enforcement of judgments rendered in magistrate court
- 6 and process therefor shall issue from magistrate court. Process

Enr. Com. Sub. for H. B. 1220] 2

- 7 issued in violation of such provisions shall be void. The form
- 8 of such process shall be in accord with the rules of the
- 9 supreme court of appeals. No such process shall issue until
- 10 after ten days after the judgment is rendered or, if a motion
- 11 to set aside such judgment is then pending, until after ten
- 12 days after the determination of such motion.
- 13 (b) A magistrate court clerk, deputy clerk or magistrate 14 assistant before whom a suggestion of salary and wages is
- 15 instituted pursuant to the provisions of articles five-a and
- 16 five-b, chapter thirty-eight of this code shall forward all post
- 17 judgment process directly to the sheriff of any county in
- 18 the same manner and with the same authority as has been
- 19 given to circuit clerks, pursuant to section five, article three,
- 20 chapter fifty-six.

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