WEST VIRGINIA CODE: §36-1A-5

§36-1A-5. Application.

(a) Except as extended by subsection (c) of this section, this article applies to a nonvested property interest or a power of appointment that is created on or after July 1, 2025. For purposes of this section, a nonvested property interest or a power of appointment created by the exercise of a power of appointment is created when the power is irrevocably exercised or when a revocable exercise becomes irrevocable.

(b) This article also applies to a power of appointment that was created before July 1, 2025, but only to the extent that it remains unexercised on July 1, 2025.

(c) If a nonvested property interest or a power of appointment was created before the effective date of this article and is determined in a judicial proceeding, commenced on or after the effective date of this article, to violate this state's rule against perpetuities as that rule existed before the effective date of this article, a court upon the petition of an interested person may reform the disposition in the manner that most closely approximates the transferor's manifested plan of distribution and is within the limits of the rule against perpetuities applicable when the nonvested property interest or power of appointment was created.

WV Legislature