WEST VIRGINIA CODE: §44-1-29

§44-1-29. Authority of personal representative concerning conservation and preservation easements.

(a) Subject to the requirements and conditions of subsection (b) of this section, a personal representative, trustee, administrator, or executor of a decedent or a decedent's estate is hereby granted the authority to:

(1) Sell a conservation or preservation easement under §8A-12-1 *et seq*. of this code or §20-20-1 *et seq.* of this code;

(2) Donate a conservation or preservation easement under §8A-12-1 *et seq*. of this code or §20-20-1 *et seq.* of this code; or

(3) Amend a conservation or preservation easement created prior to the decedent's death under §8A-12-1 *et seq*. of this code or §20-20-1 *et seq*. of this code and recorded on the decedent's real property as may be permitted by applicable law and the conservation or preservation easement.

(b) The personal representative, trustee, administrator, or executor shall ensure that the sale, donation, amendment, or transfer, of a conservation or preservation easement complies with the following:

(1) The proposed sale, donation, transfer or amendment satisfies the requirements set forth in the provisions of §20-12-8a of this code, as applicable to the particular easement;

(2) The proposed sale, donation, transfer, or amendment is to a qualified conservation organization or holder and the organization or holder agrees to accept the conservation or preservation easement; and

(3) The sale, donation, transfer, or amendment must meet one of the following conditions:

(A) In the case of an administrator of a decedent's intestate estate, all heirs with interests in the real estate affected provide written consent which shall be recorded with the easement; or

(B) In the case of a personal representative or executor of a decedent's testate estate, or the trustee of a trust, the will, trust, or other governing instrument authorizes or directs the personal representative, executor, or trustee to sell or donate a conservation or preservation easement; or

(C) The sale, donation, transfer, or amendment of the conservation or preservation easement is authorized pursuant to a legal proceeding in a court of law with jurisdiction over the property.

WV Legislature