WEST VIRGINIA CODE: §55-3a-1

§55-3A-1. Petition for summary relief for wrongful occupation of residential rental property.

(a) A person desiring to remove a tenant from residential rental property may apply for relief to the magistrate court or the circuit court of the county in which the property is located, by verified petition, setting forth the following:

(1) That he or she is the owner or agent of the owner and as such has a right to recover possession of the property;

(2) A brief description of the property sufficient to identify it;

(3) That the tenant is wrongfully occupying the property in that the tenant is in arrears in the payment of rent, has breached a warranty or a leasehold covenant, or has deliberately or negligently damaged the property or knowingly permitted another person to do so, and describing the arrearage, breach, or act or omission; and

(4) A prayer for possession of the property.

(b) Upon filing the petition, the court shall schedule a hearing, which may not be less than five nor more than 10 judicial days following the filing of the petition.

(c) Immediately upon being apprised of the time and place for hearing the petitioner shall cause a notice of the hearing to be served upon the tenant in accordance with the provisions of Rule 4 of the West Virginia Rules of Civil Procedure or by certified mail, return receipt requested. The notice shall inform the tenant that any written defense to the petition may be filed and served upon the petitioner within five days of the receipt by the tenant of the notice. Upon receipt of the return of service or the return receipt as the case may be, evidencing service upon the tenant, the petitioner shall file with the court his or her petition and the proof of service.

WV Legislature