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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935

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ENROLLED

HOUSE BILL No. 5

(By Mr. Thomas)

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PASSED Feb 5th 1935

In Effect from Passage

Filed in the office of the Secretary of State
of West Virginia FEB 12 1935
HARRISBURG, PA.
JAN 10 1935

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House Bill No. 5
(BY MR. THOMAS)

[Passed February 5, 1935; in effect from passage.]

AN ACT to amend and reenact sections one and five, chapter sixteen, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, as amended by chapter forty-five, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three, relating to forfeited and delinquent lands.

Be it enacted by the Legislature of West Virginia:

That sections one and five, chapter sixteen, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, as amended by chapter forty-five, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 1. That the owner of any land and real estate in this
2 state, his heirs, devisees or assigns and any person holding a
3 lien thereon, or having the right to charge the same with a debt,

4 which land and real estate has been returned delinquent and/or
5 forfeited for the nonpayment of taxes levied and assessed
6 against the same, including forfeited land and real estate certi-
7 fied to the commissioner of school lands of the respective coun-
8 ties on which suits may or may not have been instituted or may
9 still be pending in which no sale and/or confirmation of sale
10 has been made, may redeem such land and real estate from
11 such delinquency and/or forfeiture, or for any other cause,
12 by the payment to the auditor of the state of West Virginia of
13 the taxes so levied and assessed together with all taxes which
14 would have been levied and extended on the land books against
15 said real estate had there been no such forfeiture, without in-
16 terest or costs, if the same shall be paid on or before December
17 thirty-first, one thousand nine hundred thirty-five. Such
18 payment shall include all taxes assessed and in arrears for
19 any and all years prior to the year one thousand nine hundred
20 thirty-three, and prior to such redemption, and any legal costs
21 as now provided by statute that have accrued by reason of the
22 prosecution of any suit shall be paid by the commissioner of
23 school lands in the county in which the land is situated, when
24 approved and so ordered by the court by order entered of record

25 from any funds in his hands for which said commissioner shall
26 have credit in his settlement of accounts, as such commissioner
27 and commissioners of school lands shall be allowed in their set-
28 tlements such reasonable sums as the court shall determine and
29 allow for work done and services rendered by them and their
30 attorneys in relation to the tracts, lots and parcels of land
31 which have been heretofore certified to them and which have
32 not before this act becomes effective been disposed of, and such
33 sums so allowed may be, by order of the court, paid out of funds
34 in the hands of the commissioners or which shall come into their
35 hands: *Provided, however,* That where two or more claimants
36 have filed their petition as required by law asking to redeem the
37 same tract or tracts of land, said tract or tracts of land shall not
38 be certified to the auditor by the circuit clerk as provided in
39 section three of this act, nor be redeemed from the auditor as
40 provided in section one of this act as amended, but the party de-
41 creed by the court to be entitled to redeem said land by pay-
42 ing all costs accumulated as taxed by the clerk thereof, by
43 reason of the contest of title, together with the portion of the
44 taxes as above set forth unto the commissioner of school lands.

Sec. 5. It shall be the duty of the auditor of this state to

2 receive payment of the taxes mentioned in the lists certified to
3 him by virtue of sections two and three of this act, and to ac-
4 count for and disburse the same as other taxes received by him,
5 and in the payment of such taxes as is mentioned in section one
6 of this act, as amended, he shall charge no fees, costs nor interest,
7 if redeemed on or before December thirty-first, one thousand nine
8 hundred thirty-five, after which date all such redemptions shall
9 be made as provided in section thirty, article ten, chapter eleven
10 of the code of West Virginia, one thousand nine hundred thirty-
11 one. The auditor shall make written reports every thirty days to
12 the assessor of each county in this state of all forfeited lands
13 redeemed, and upon the payment of such taxes to the auditor as
14 aforesaid he shall execute triplicate receipts, retain and file one
15 in his office and deliver two thereof, including the original, to
16 the party paying the same in the following form or to the fol-
17 lowing effect:

18 19

19 Received of.....

20dollars in full pay-

21 ment of all taxes assessed against.....acres of land

22 situate on..... indistrict, county of

23 for the year(s).....
 24
 25 (here give the years for which delinquent and/or forfeited) in
 26 the name of.....
 27 which are the total taxes assessed against the same, which pay-
 28 ment is made by virtue of chapter sixteen, acts of the first
 29 extraordinary session, one thousand nine hundred thirty-three,
 30 as amended by chapter forty-five, acts of the second extraordi-
 31 nary session, one thousand nine hundred thirty-three, as amend-
 32 ed by the regular session, one thousand nine hundred thirty-
 33 five.

34

Auditor of West Virginia.

35

36 *Provided, however,* That when the aforesaid redemption re-
 37 ceipt is presented by the redeemptor to the clerk of the county
 38 court of the county in which the real estate is situated, he shall
 39 record and file the aforesaid redemption receipt for which
 40 service no fee shall be charged.

I certify that the foregoing act,
 having been presented to the Governor for
 his approval, and not having been returned
 by him to the House of the Legislature in
 which it originated within the time pre-
 scribed by the constitution of the state, has
 become a law without his approval.

This the 12th day of February,
 1935.

[Signature]
 SECRETARY OF STATE

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Clinton M. Wood
Chairman Senate Committee

Arnold M. Pickers
Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* passage.

James H. Smith
Clerk of the Senate

James H. Smith
Clerk of the House of Delegates

Chas. E. Hodge
President of the Senate

John B. Batts
Speaker House of Delegates.

The within.....this the.....

day of....., 1935.

.....
Governor.