WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

HOUSE BILL No. 417

(By Mr. Burgess)

PASSED March 7, 1947

In Effect 90 Days from Passage
ENROLLED

House Bill No. 412
(By Mr. Burgess)

[Passed March 7, 1947; in effect ninety days from passage.]

AN ACT to amend and reenact section seventeen, article three, chapter eleven, of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one hundred seventeen, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to amounts an individual must pay for the redemption of real estate sold for taxes.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article three, chapter eleven, of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter one hundred seventeen, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 17. Redemption from Purchase by Individual; Receipt; List of Redemption; Lien.—After the sale, the former owner of, or any other person who was
entitled to pay the taxes on, any real estate purchased by an individual, may redeem at any time before June first of the second year following the sale. In order to redeem, he must pay to the purchaser, his heirs or assigns, the following amounts: (1) The amount of purchase money paid to the sheriff, with interest at the rate of twelve per cent per annum from the date of sale. (2) All other taxes thereon, which have since been paid by the purchaser, his heirs or assigns, with interest at the rate of twelve per cent per annum from the date of payment. (3) Such additional expenses as may have been incurred in procuring the survey or report provided for in sections twenty-one and twenty-two of this article; and for the examination of the title in order to prepare the list of those to be served with notice and giving the notice required by sections twenty-three and twenty-four of this article, but the amount he shall be required to pay for the expenses incurred in preparing the list of those to be served with notice and to redeem required by sections twenty-three and twenty-four of this article shall not exceed fifteen dollars.
The person redeeming shall be given duplicate receipts for the payment. If the purchaser, his heirs or assigns, shall refuse or fail to sign and give such receipts when lawfully required to do so, he or they shall pay to the person redeeming twice the amount of such payment, which may be recovered by action on the case in any court of competent jurisdiction. One of such receipts shall be filed with the clerk of the county court on or before the day on which the right to redeem expires. The clerk shall endorse on both receipts the fact and time of such filing, and shall note the fact of redemption on his record of delinquent lands. If the receipt is not filed on or before such date, the redemption shall be void as to creditors and subsequent bona fide purchasers from the purchaser, his heirs or assigns. If, however, the receipt is filed after the date required, it shall operate as notice from and after the date of filing. In June of each year the clerk of the county court shall prepare and certify to the auditor a list of all redemptions from sales to individual purchasers, which have not been included in any former list.

Any person who, by reason of the fact that no provi-
46 sion is made for partial redemption of real estate pur-
47 chased by an individual, is compelled in order to protect
48 himself to redeem all of such real estate when it belongs
49 in whole or in part to some other person, shall have a
50 lien on the interest of such other person for the amount
51 paid to redeem such interest. He shall lose his right to
52 the lien, however, unless within thirty days after pay-
53 ment he shall file with the clerk of the county court his
54 claim in writing against the owner of such interest, to-
55 gether with the receipt provided for in this or the follow-
56 ing section. The clerk shall docket the claim on the judg-
57 ment lien docket in his office and properly index the
58 same. Such lien may be enforced as other judgment
59 liens are enforced.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. McNairn  
Chairman Senate Committee

R. L. Matthews  
Chairman House Committee

Originated in the House of Delegates

Takes effect 40 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

Arnold C. Wickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within approved this the 13th day of March, 1947.

Governor.

Filed in the Office of the Secretary of State of West Virginia,