

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 412

(By Mr. Burgess)



PASSED March 7 1947

In Effect 90 days Passage



412

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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 Indi-*
2 *vidual; Receipt; List of Redemption; Lien.*— After the
3 sale, the former owner of, or any other person who was

4 entitled to pay the taxes on, any real estate purchased
5 by an individual, may redeem at any time before June
6 first of the second year following the sale. In order to
7 redeem, he must pay to the purchaser, his heirs or as-
8 signs, the following amounts: (1) The amount of pur-
9 chase money paid to the sheriff, with interest at the rate
10 of twelve per cent per annum from the date of sale. (2)
11 All other taxes thereon, which have since been paid by
12 the purchaser, his heirs or assigns, with interest at the
13 rate of twelve per cent per annum from the date of pay-
14 ment. (3) Such additional expenses as may have been
15 incurred in procuring the survey or report provided for
16 in sections twenty-one and twenty-two of this article;
17 and for the examination of the title in order to prepare
18 the list of those to be served with notice and giving the
19 notice required by sections twenty-three and twenty-four
20 of this article, but the amount he shall be required to pay
21 for the expenses incurred in preparing the list of those
22 to be served with notice and to redeem required by sec-
23 tions twenty-three and twenty-four of this article shall
24 not exceed fifteen dollars.

25 The person redeeming shall be given duplicate receipts
26 for the payment. If the purchaser, his heirs or assigns,
27 shall refuse or fail to sign and give such receipts when
28 lawfully required to do so, he or they shall pay to the
29 person redeeming twice the amount of such payment,
30 which may be recovered by action on the case in any
31 court of competent jurisdiction. One of such receipts
32 shall be filed with the clerk of the county court on or
33 before the day on which the right to redeem expires. The
34 clerk shall endorse on both receipts the fact and time of
35 such filing, and shall note the fact of redemption on his
36 record of delinquent lands. If the receipt is not filed on or
37 before such date, the redemption shall be void as to cred-
38 itors and subsequent bona fide purchasers from the pur-
39 chaser, his heirs or assigns. If, however, the receipt is filed
40 after the date required, it shall operate as notice from and
41 after the date of filing. In June of each year the clerk of
42 the county court shall prepare and certify to the auditor
43 a list of all redemptions from sales to individual pur-
44 chasers, which have not been included in any former list.

45 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. McNeer
Chairman Senate Committee

R. L. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Howard Kieckhefer
Clerk of the Senate

Joseph
Clerk of the House of Delegates

Arnold D. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 13
day of March, 1947.

Clarence Meadows
Governor.



Filed in the Office of the Secretary of State
of West Virginia.....
MAR 13 1947
Wm. S. ...
SECRETARY OF STATE