

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1953



ENROLLED

HOUSE BILL No. 173

(By Mr. Snyder)



PASSED February 23 1953

In Effect ninety days from Passage



Filed in the Office of the Secretary of State
of West Virginia **FEB 26 1953**
D. PITT O'BRIEN,
SECRETARY OF STATE

173

ENROLLED

House Bill No. 173

(By MR. SNYDER)

[Passed February 23, 1953; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article four, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to make provision for allocation or sale without the appointment of commissioners where it clearly appears to the court that partition cannot be conveniently made.

Be it enacted by the Legislature of West Virginia:

That section three, article four, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. *Allotment or Sale.*—When partition cannot
2 be conveniently made, the entire subject may be allotted
3 to any party who will accept it, and pay therefor to the
4 other parties such sums of money as their interest therein
5 may entitle them to; or in any case in which partition
6 cannot be conveniently made, if the interests of one or

7 more of those who are entitled to the subject, or its pro-
8 ceeds, will be promoted by a sale of the entire subject, or
9 allotment of part and sale of the residue, and the interests
10 of the other persons so entitled will not be prejudiced
11 thereby, the court, notwithstanding any of those entitled
12 may be an infant, insane person, or convict, may order
13 such sale, or such sale and allotment, and make distribu-
14 tion of the proceeds of sale, according to the respective
15 rights of those entitled, taking care, ~~when~~ there are
16 creditors of any deceased person who was a tenant in
17 common, joint tenant, or co-parcener, to have the pro-
18 ceeds of such deceased person's part applied according
19 to the rights of such creditors. Where it clearly appears
20 to the court that partition cannot be conveniently made
21 the court may order sale without appointing commission-
22 ers. The court making an order for sale shall, when the
23 dividend of a party exceeds the value of three hundred
24 dollars, if such party be an infant, insane person, or
25 convict, require security for the faithful application of
26 the proceeds of his interest, in like manner as if the sale
27 were made under article one of this chapter.

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

J. M. C. Kuley
Chairman Senate Committee

W. A. Ambler
Chairman House Committee

Originated in the House of Delegates

Takes effect *ninety days from* passage.

Howard Meyer
Clerk of the Senate

Orsipp
Clerk of the House of Delegates

Ralph J. Boone
President of the Senate

W. E. ...
Speaker House of Delegates

The within *approved* this the *26th* day of *February*, 1953.

William C. Warland
Governor

