

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

ENROLLED

SENATE BILL NO. 314

(By Mr. Martin)

PASSED Mar 12 1955

In Effect from Passage

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

MAR 17 1955

D. PITT O'BRIEN

SECRETARY OF STATE

ENROLLED
Senate Bill No. 314

(By MR. MARTIN)

[Passed March 12, 1955; in effect from passage.]

AN ACT to amend article two, chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-a, relating to summary proceedings for sale or lease of real or personal property subject to future interests.

Be it enacted by the Legislature of West Virginia:

That article two, chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, to be designated section twelve-a, to read as follows:

Section 12-a. *Summary Proceedings for Sale or Lease;*

2 *Petition.*—In addition to the proceedings authorized by

3 the first section of this article, any person having any
4 interest mentioned in section two of this article in the
5 personal property, land, timber, oil, gas, coal or other
6 minerals sought to be sold, leased or otherwise conveyed,
7 may apply by petition, in a summary way, to the circuit
8 court, or to the judge thereof in vacation, or to any court
9 of concurrent jurisdiction with the circuit court, or to
10 the judge thereof in vacation, of the county in which
11 the estate proposed to be sold, leased or otherwise con-
12 veyed, or some part thereof, may be. Such petition shall
13 describe the property sought to be sold, leased or other-
14 wise conveyed with reasonable certainty and shall set
15 forth the names of all persons interested in such property,
16 together with their respective interests or estates, either
17 vested, contingent or executory, so far as is known by
18 the plaintiff. Such petition shall also set forth the facts
19 which, in the opinion of the plaintiff, would justify the
20 sale, lease or other conveyance of such property. The
21 petition shall be verified by the oath of the plaintiff or
22 one of the plaintiffs, and all persons interested shall be
23 made defendants, and ten days' notice shall be given to

24 such defendants before such petition can be heard: *Pro-*
25 *vided, however,* That in the case of non-resident defend-
26 ants and/or unknown or unascertainable parties an order
27 of publication may be entered, on proper affidavit as in
28 any other chancery proceeding, requiring publication of
29 such notice once each week for two successive weeks
30 in a newspaper published and of general circulation in
31 the county in which the property or the greater part of
32 the property concerned is situate as to any non-resident
33 defendants and/or any unknown or unascertainable par-
34 ties who may have or claim any interest or estate in such
35 property. Such published notice, with the certificate of
36 publication, when filed with the record in said proceed-
37 ings, shall be and constitute valid and sufficient notice
38 herein. All other provisions of this article not incon-
39 sistent herewith shall apply to and implement the pro-
40 cedures provided in this section.

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

Wm. C. Cawley

Chairman Senate Committee

W. T. Boettcher Jr

Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Howard Meigs
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

W. E. Flannery
Speaker House of Delegates

The within approved this the 16 day of March, 1955.

William C. Marland
Governor.



Filed in the Office of the Secretary of State of West Virginia **MAR 17 1955**
D. PITT O'BRIEN
SECRETARY OF STATE