

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957

Committee Substitute for
ENROLLED

SENATE BILL NO. 269

(By Mr. *Sumner* on *February*)

PASSED March 8 1957

In Effect 90 days from Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 269

(Originating in the Committee on the Judiciary)

[Passed March 8, 1957; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article two, chapter fifty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to pleadings in proceedings in eminent domain.

Be it enacted by the Legislature of West Virginia:

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

Section 2. *Pleadings; Verification.*—The pleadings shall
2 be in writing and shall be verified. The petition shall de-

3 scribe with reasonable certainty the property proposed to
4 be taken, and may embrace one or more parcels of land
5 where the ownership is the same. If an estate less than a
6 fee is proposed to be taken, the petition shall describe
7 with reasonable certainty the particular estate less than
8 the fee which it is proposed to take, the name of the own-
9 er or owners thereof, the manner and extent of their re-
10 spective interests. If there are any liens upon or con-
11 flicting claims to such real estate, the petition shall state
12 the nature and amount of such liens and claims and the
13 names and places of residents of the persons who hold the
14 same, so far as known to the petitioner. Where there are
15 persons interested in the property proposed to be taken
16 whose names are unknown to the applicant, or it is not
17 known to the applicant whether there are any other per-
18 sons interested in the property proposed to be taken, or
19 there be any contingent or executory interest or estate in
20 such property which is liable to vest in or to open and let
21 in persons not in being, such fact shall be stated in the
22 petition and such persons, if any, shall be made parties
23 defendant to such petition by the general description of

24 parties unknown. The joinder of any person having only
25 a contingent or executory interest in the property pro-
26 posed to be taken shall not be necessary when the person
27 not joined is virtually represented by any other party or
28 parties defendant; and where such virtual representation
29 exists no order or decree made thereunder shall be
30 deemed erroneous or void because of such non-joinder.
31 The petition shall also state the use to which the estate
32 sought to be taken is intended to be appropriated.

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

E. A. McCourt
Chairman Senate Committee

Wickelma
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

J. H. Miller
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. E. Fleming
Speaker House of Delegates

The within approved this the 15th
day of March, 1957.

Seig. Henderson
Governor



Filed In the Office of the Secretary of State
of West Virginia. MAR 15 1957

D. PITT O'BRIEN
SECRETARY OF STATE