WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 269

(By Mr.)

PASSED March 8, 1957

In Effect after 60 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 be in writing and shall be verified. The petition shall de-
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scribe with reasonable certainty the property proposed to be taken, and may embrace one or more parcels of land where the ownership is the same. If an estate less than a fee is proposed to be taken, the petition shall describe with reasonable certainty the particular estate less than the fee which it is proposed to take, the name of the owner or owners thereof, the manner and extent of their respective interests. If there are any liens upon or conflicting claims to such real estate, the petition shall state the nature and amount of such liens and claims and the names and places of residents of the persons who hold the same, so far as known to the petitioner. Where there are persons interested in the property proposed to be taken whose names are unknown to the applicant, or it is not known to the applicant whether there are any other persons interested in the property proposed to be taken, or there be any contingent or executory interest or estate in such property which is liable to vest in or to open and let in persons not in being, such fact shall be stated in the petition and such persons, if any, shall be made parties 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.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect upon passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor

Filed in the Office of the Secretary of State of West Virginia, MAR 15, 1957, D. PITTO BRIEN SECRETARY OF STATE