WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 182

(By Mr. ____________)

PASSED ____________ 1959

In Effect ____________

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

JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

Senate Bill No. 182
(By Mr. Riley)

[Passed February 23, 1959; in effect ninety days from passage.]

AN ACT to amend article four, chapter forty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section designated section three, relating to disclaimer of gifts under wills or property passing by intestacy.

Be it enacted by the Legislature of West Virginia:

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

Section 3. Disclaimer of Gifts Under Wills or Property

2 Passing by Intestacy.—Any devisee or beneficiary who is
sui juris, shall have the right, within two months from the date on which the will is admitted to probate, to disclaim such devise or bequest. If the will be contested, or the order admitting it to probate be appealed from, such disclaimer may be made within two months of the final decision on such contest or appeal. The devise or bequest so disclaimed shall pass as the will directs where there is a provision for disclaimer contained in the will making a specific alternative disposition of such property, and, in the absence of any such provision said devise or bequest shall pass as if the person so disclaiming had immediately predeceased the testator.

Any heir-at-law or distributee under the laws of descent and distribution who is sui juris, shall have the right, within two months of the date of death of the decedent, to disclaim such real or personal property. The property so disclaimed shall pass by the laws of descent and distribution of this state as if the person so disclaiming had immediately predeceased the decedent.

Any such disclaimer shall be made by a writing signed by the person so disclaiming and acknowledged in such
manner as would authorize a deed to be admitted to record and shall be filed and recorded in the office of the clerk of the county court by which the will is admitted to probate or, in the event of intestacy, in the office of the clerk of the county court in which the decedent's estate is administered; in either event, such disclaimer shall be recorded with fiduciary orders and/or probate documents. Said gift or property so disclaimed shall be considered as never having vested in any manner whatsoever in the person so disclaiming.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. Jasper Sn
Chairman Senate Committee

Audra Andrews
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Hocewski Rpo
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph Smith
President of the Senate

W. H. Rawley
Speaker House of Delegates

The within approved this the 1st
day of March, 1959.

[Signature]
Governor