

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 182

(By Mr. Riley)

PASSED Feb 23 1959

In Effect 90 days from Passage



Filed in Office of the Secretary of State
of West Virginia

MAR 2 1959

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

Senate Bill No. 182

(By MR. RILEY)

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

OK J. H. W.
(by Fe.)

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

3 *sui juris*, shall have the right, within two months from the
4 date on which the will is admitted to probate, to disclaim
5 such devise or bequest. If the will be contested, or the
6 order admitting it to probate be appealed from, such
7 disclaimer may be made within two months of the final
8 decision on such contest or appeal. The devise or bequest
9 so disclaimed shall pass as the will directs where there is
10 a provision for disclaimer contained in the will making
11 a specific alternative disposition of such property, and, in
12 the absence of any such provision said devise or bequest
13 shall pass as if the person so disclaiming had immediately
14 predeceased the testator.

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

22 Any such disclaimer shall be made by a writing signed
23 by the person so disclaiming and acknowledged in such

24 manner as would authorize a deed to be admitted to
25 record and shall be filed and recorded in the office of the
26 clerk of the county court by which the will is admitted to
27 probate or, in the event of intestacy, in the office of the
28 clerk of the county court in which the decedent's estate is
29 administered; in either event, such disclaimer shall be
30 recorded with fiduciary orders and/or probate documents.
31 Said gift or property so disclaimed shall be considered as
32 never having vested in any manner whatsoever in the per-
33 son so disclaiming.

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

W. J. Jasper
Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the Senate.

Takes effect ~~90 days~~ from passage. *ok JHU (by TE)*

D. Hoover McP...
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

N. R. Pouley
Speaker House of Delegates

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

[Signature]
Governor

