WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED
SENATE BILL NO. 279
(By Mr....

PASSED March 4, 1959
In Effect 90 days from Passage

Filed in Office of the Secretary of State of West Virginia
MAR 12 1959
JOE F. BURDETT
SECRETARY OF STATE
ENROLLED
Senate Bill No. 279
(By Mr. Stemple)

[Passed March 4, 1959; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article two, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the administration of decedents' estates.

Be it enacted by the Legislature of West Virginia:

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

Section 6. Claims Taken to be Proved; Objections to Claims; Hearings; Funeral Expenses.—Every claim so itemized, so accompanied by proper vouchers, and so verified, shall be taken to be proved, and shall be allowed, un-
less before the commissioner shall make up his report of claims the personal representative or a distributee, or a legatee, or, in the case of estates that appear to be insolvent, a creditor, shall file before the commissioner a counter affidavit, denying the claim in whole or in part; and when said counter affidavit is so filed the commissioner shall fix a time and place for hearing evidence for and against such claim and give reasonable notice of such time and place to the claimant, the party objecting, and the personal representative. If the commissioner, having held such hearing, does not allow any such claim, the claimant shall pay the expense of having the testimony adduced at such hearing recorded and/or transcribed. The commissioner, in the exercise of his sound discretion, may require that the claimant post a bond or other security sufficient to pay the estimated cost of having such testimony recorded and transcribed as a condition precedent to holding such hearing. If such claim, having been disallowed by the commissioner, subsequently shall be allowed as a claim against the estate, the claimant shall be entitled to recover from the estate the expenses so paid.
26 Claims for funeral expenses shall be made and deter-
27 mined in the same manner as any other claims.
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 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 11th day of March, 1959.

Governor