

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 279

(By Mr. Stemple)

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

279

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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*
2 *Claims; Hearings; Funeral Expenses.*—Every claim so
3 itemized, so accompanied by proper vouchers, and so veri-
4 fied, shall be taken to be proved, and shall be allowed, un-

5 less before the commissioner shall make up his report of
6 claims the personal representative or a distributee, or a
7 legatee, or, in the case of estates that appear to be insol-
8 vent, a creditor, shall file before the commissioner a coun-
9 ter affidavit, denying the claim in whole or in part; and
10 when said counter affidavit is so filed the commissioner
11 shall fix a time and place for hearing evidence for and
12 against such claim and give reasonable notice of such
13 time and place to the claimant, the party objecting, and
14 the personal representative. If the commissioner, having
15 held such hearing, does not allow any such claim, the
16 claimant shall pay the expense of having the testimony
17 adduced at such hearing recorded and/or transcribed.
18 The commissioner, in the exercise of his sound discretion,
19 may require that the claimant post a bond or other se-
20 curity sufficient to pay the estimated cost of having such
21 testimony recorded and transcribed as a condition prece-
22 dent to holding such hearing. If such claim, having been
23 disallowed by the commissioner, subsequently shall be
24 allowed as a claim against the estate, the claimant shall
25 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.

W. D. Jasper
Chairman Senate Committee

J. F. Deem
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Howard M. Meyer
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

H. R. Pauley
Speaker House of Delegates

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

W. H. Underwood
Governor

