

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963

## ENROLLED

*Committee Substitute For*  
HOUSE BILL No. 438

(By ~~the~~ *Committee on the Judiciary*)

PASSED March 8, 1963

In Effect ninety days from Passage



Filed in Office of the Secretary of State  
of West Virginia 3-15-63

JOE F. BURDETT  
SECRETARY OF STATE

# 438

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**For**  
**House Bill No. 438**  
**(Originating in The Committee on The Judiciary)**

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[Passed March 8, 1963; in effect ninety days from passage.]

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AN ACT to amend article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated sections fifteen-b and fifteen-c, relating to the recording of orders for support, maintenance or alimony and to the authority of a court in certain cases to release any lien on real estate created by virtue of any decree or order for support, maintenance or alimony under such circumstances as may appear just and reasonable to the court.

*Be it enacted by the Legislature of West Virginia:*

That article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated sections fifteen-b and fifteen-c, to read as follows:

**Article 2. Divorce.**

**Section 15-b. Recordation of Order for Support, Maintenance or Alimony.**—An order for support, maintenance or alimony shall not give rise to a lien on any real estate of the person against whom the order is entered until such order is entered of record in the office of the clerk of the county court where any such real estate is situate. Such order shall be recorded in the same manner as deeds of trust are recorded.

**Sec. 15-c. Court may Release any Lien Created for Support, Maintenance or Alimony.**—The guardian of any minor, or the committee of any insane person or convict, if he deems that the interest of his ward or insane person or convict will be promoted by a release of a lien upon real estate, created by virtue of any decree or order of the court for the support, maintenance or alimony of any

8 person, may apply by petition, in a summary way to the  
9 court that entered such decree or <sup>order</sup>~~order~~ creating such lien,  
10 or such other court having jurisdiction of the parties, de-  
11 scribing said lien, the circumstances of the minor, or in-  
12 sane person or convict and setting forth plainly all the  
13 facts calculated to show the propriety of the release  
14 which, if authorized, may be made upon such terms as  
15 the court deems just under all the circumstances. The  
16 petition shall be verified by the oath of the petitioner, and  
17 all persons interested shall be made defendants, and ten  
18 days' notice shall be given to such defendants before such  
19 petition may be heard.

*Placed in file*  
*SEP*

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

Oliver Parker

Chairman Senate Committee

Philip L. Randall

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Myers

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Howard Carson

President of the Senate

Julius W. Sengstacke Jr.

Speaker House of Delegates

The within approved this the 14<sup>th</sup>  
day of March, 1963.

W. W. Bann

Governor

