WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED
SENATE BILL NO. 26

(By Mr. Carper)

PASSED March 9, 1963

In Effect 90 days from Passage

Filed in Office of the Secretary of State
of West Virginia 3/15/63
JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend and reenact section six, article three, chapter forty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to wills and specifying the circumstances under which a devise or bequest shall be construed to operate as an exercise of a power of appointment.

Be it enacted by the Legislature of West Virginia:

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

Section 6. Operation of Devise or Bequest as Exercise of Power of Appointment.—A devise or bequest shall extend to any real or personal estate which the testator has pow-
er to appoint as he may think proper, and to which it would apply if the estate were his own property, and shall be construed to operate as an exercise of such power with respect to such property unless a contrary intention shall appear by the will of said testator, or unless:

(a) The instrument creating said power of appointment (whether said instrument was executed before or after the effective date of this section) provides that such power must be specifically referred to and expressly exercised; and

(b) The instrument creating said power of appointment contains a provision disposing of said real or personal estate in the event of the failure of the donee of the power to so exercise said power.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Mark Parker
Chairman Senate Committee

Ethel L. Bollard
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

P. I. Johnson, Jr.
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Howard E. Wofford
President of the Senate

Julius P. Hinkle
Speaker House of Delegates

The within approved this the 14th day of March, 1963.

J. D. Barnwell
Governor