

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 830

(By Mr. Moyers)



PASSED March 10 1967

In Effect Ninety days from Passage



830

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-20-67

ENROLLED
House Bill No. 830
(By MR. MOYERS)

[Passed March 10, 1967; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article one, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the sale, lease or encumbrance of the estate of infants, insane persons or convicts by summary proceedings; and providing that any notice or service required by the section to be made upon an infant under fourteen years of age shall be made by delivering a copy of such notice and petition to his resident guardian, and if there be no such guardian, to his mother or father if they be found, and if there be no such guardian and the mother and father cannot be found, upon a guardian ad litem.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. LANDS OF INFANTS, INSANE PERSONS OR CONVICTS, AND LANDS HELD IN TRUST.

§37-1-11. Summary proceedings for sale, lease or mortgage; petition.

1 In addition to the proceedings authorized by the second
2 section of this article, the guardian of any minor, or the
3 committee of any insane person or convict, if he deem
4 that the interests of his ward or insane person or convict
5 will be promoted by a sale, lease or mortgage of, or trust
6 deed upon, his estate, or of any estate in which he with
7 others, infants or adults, is interested, whether the estate
8 of the minor, or insane person or convict, or of any of
9 the other persons interested, be absolute or limited, and
10 whether there be or be not limited thereon any other
11 estate, vested or contingent, may apply by petition, in a
12 summary way, to the circuit court, or to the judge
13 thereof in vacation, or to any court of concurrent juris-

14 diction with the circuit court, or to the judge thereof in
15 vacation, of the county in which the estate proposed to
16 be sold, leased or encumbered, or some part thereof may
17 be, describing all the estate, real and personal, belonging
18 to the minor, or insane person or convict and setting
19 forth plainly all the facts calculated to show the pro-
20 priety of the sale, lease, mortgage, or deed of trust. The
21 petition shall be verified by the oath of the plaintiff, and
22 all persons interested shall be made defendants, and ten
23 days' notice shall be given to such defendants before
24 such petition can be heard: *Provided*, That any notice
25 or service required by this section to be made upon any
26 infant under fourteen years of age shall be made by
27 delivering a copy of such notice and petition to his guar-
28 dian resident in this state; or, if there be no such guardian,
29 then either to his father or mother if they be found.
30 If there is no such guardian and if the father or mother
31 cannot be found, service of such notice and petition shall
32 be made upon a guardian ad litem appointed in the man-
33 ner provided by law.

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

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

H. Faban White
Speaker House of Delegates

The within approved this the 17

day of March, 1967.

Hubert C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 9:30 A.M.