

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 261

(By Mr. Cason, Mr. President, and
Mr. Brotherton)

PASSED March 10, 1967

In Effect from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67

#261

ENROLLED

Senate Bill No. 261

(By MR. CARSON, MR. PRESIDENT, and MR. BROTHERTON)

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

AN ACT to amend and reenact section thirty-seven, article three, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to delinquent lands, the accounting by the sheriff for the proceeds from all sales and redemptions with respect thereto and the disposition of any surplus realized from the sale of delinquent lands.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. SALE OF LAND FOR TAXES.

§11A-3-37. Sheriff to account for proceeds; disposition of surplus.

“The sheriff shall account for the proceeds of all sales
 2 and redemptions included in such list in the same way
 3 he accounts for other taxes collected by him, except that
 4 if the purchase money paid for any property sold is in
 5 excess of the amount of taxes, interest and charges due
 6 thereon, the surplus shall be deposited in a special county
 7 fund to be known and designated as the “Sale of Land
 8 Surplus Fund”, and disposed of as follows:

9 (a) In any case where the property was redeemed,
 10 such surplus shall be distributed to the person or persons
 11 who redeemed such property, or the heirs, devisees, lega-
 12 tees, executors, administrators, successors or assigns
 13 thereof, if a proper claim therefor is filed with the
 14 sheriff within two years from and after the date of the
 15 sale; or

16 (b) If a claim as specified in subparagraph (a) hereof
 17 is not timely filed, or if there were no redemption, such
 18 surplus shall be distributed to the person or persons who

19 owned the property at the time of the sale, or the heirs,
20 devisees, legatees, executors, administrators, successors
21 or assigns thereof, if a proper claim thereof is filed with
22 the sheriff within three years from and after the date
23 of the sale; or

24 (c) If there be no proper claim filed under either
25 subparagraph (a) or (b) within the time limits aforesaid,
26 all claims to such surplus shall be forfeited and such
27 surplus shall be distributed by the sheriff in the manner
28 provided by law for the distribution of property taxes
29 collected by him.

30 All real estate included in the first delinquent list sent
31 to the auditor, and not accounted for in the list of sales,
32 suspensions and redemptions, shall be deemed to have
33 been redeemed before sale, and the taxes, interest and
34 charges due thereon shall be accounted for by the sheriff
35 as if they had been received by him before the sale.

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

William Tompos
Chairman Senate Committee

Clayton C Davidson
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Samuel Myers
Clerk of the Senate

C. B. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

H. Laban White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Stewart C. Smith
Governor



**PRESENTED TO THE
GOVERNOR**

Date 3/17/67

Time 3:25 pm