WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 989

(By Mr. Myles)

PASSED MARCH 11, 1971

In Effect NINETY DAYS FROM Passage
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House Bill No. 989
(By Mr. Myles)

[Passed March 11, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact sections seventeen, eighteen and thirty-two, article four, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to compensation of deputy commissioners of forfeited and delinquent lands.

Be it enacted by the Legislature of West Virginia:

That sections seventeen, eighteen and thirty-two, article four, 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 4. SALE OF LANDS FOR SCHOOL FUND.

§11A-4-17. Compensation of deputy commissioners; court costs.

1 As compensation for his services, the deputy commis-
2 sioner shall be entitled to an attorney's fee of ten
dollars for each item included in the suit. In addition thereto he shall receive a commission of fifteen percent on each sale or redemption. Such commission on sales shall be based on the sale price and in the case of redemption on the total taxes and interest due. Such compensation shall be collected from the redemptor as provided for in section eighteen of this article. Such compensation, together with a charge of one dollar payable to the clerk of the circuit court for each item in the suit, shall be taxed to the state as part of its cost in the suit and shall be paid as hereinafter provided. Except as otherwise provided in this article, no other costs shall be taxed.

§11A-4-18. Application for permission to redeem.

The former owner of any forfeited or delinquent land, or any other person who was entitled to redeem such land under the provisions of section eight, article three of this chapter, may file his petition in such suit with the circuit court or the judge thereof in vacation, at any time before confirmation of sale thereof requesting permission to redeem such land to the extent that title thereto
remains in the state. The court or the judge thereof in
vacation may by proper decree, permit the petitioner
to redeem the land upon payment to the sheriff of the
total amount of taxes, interest and charges properly due
or chargeable thereon on the date of redemption, and all
court costs taxable in respect thereto under the provisions
of this article, which amount shall be fixed by the court
or the judge thereof in vacation, in the order.

Upon payment being made, the court or the judge
thereof in vacation, shall enter a decree declaring the
redemption of such land by the petitioner, so far only
as the title thereto remains in the state, and dismissing
the suit in respect thereto. If redemption was allowed
after sale, the decree shall also direct the sheriff to
return the purchase money to the purchaser. Such decree
shall operate as a release of all the right, title and in-
terest of the state in and to such land, but shall in no
wise affect or impair any right, title or interest which any
other person may have therein.

Any redemption, which may have been heretofore had
by a former owner of real estate, pursuant to permis-
§11A-4-32. Deed to purchaser; record.

1 Whenever ordered to do so as provided in the preceding section, the deputy commissioner shall make and deliver to the person entitled thereto a deed in form or effect as follows.

2 This deed made this _____ day of ____________________, 19_____, by and between _____________________________, deputy commissioner of forfeited and delinquent lands for_____________________

3 County, West Virginia, acting for and on behalf of the State of West Virginia, grantor, and _____________________________, purchaser, (or _____________________________, heir, devisee or assignee of _____________________________, purchaser,)

4 grantee, witnesseth that

5 WHEREAS, In pursuance of and in accordance with the statutes in such case made and provided, the above named deputy commissioner did, by order of the Circuit Court of _______________ County, in the month of _______________, in the year 19_____, sell the real estate, hereinafter mentioned and described, for the benefit of the school fund,
and __________________________, (here insert name of pur-
chaser) for the sum of $___________________, that being the
amount of purchase money paid, did become the pur-
chaser of such real estate (or of an undivided____________________
interest in such real estate) which was sold to the State
for nonpayment of taxes in the name of____________________;
(or which was forfeited to the State for nonentry in the
name of __________________________; or which escheated
to the State in the name of _______________________; or
which was waste and unappropriated land belonging to
the State;) and

WHEREAS, By an order entered on the __________ day of
__________, 19_____, in the case of State of West
Virginia v. (A. B., et al.), the Circuit Court of___________
County has confirmed the sale and has ordered that this
deed be executed.

Now, therefore, the grantor, for and in consideration
of the premises and in pursuance of the statute, doth grant
and convey unto___________________, grantee, his heirs and assigns
forever, the real estate so purchased, situate in the County
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39 of __________, bounded and described as follows: __________.

40 Witness the following signature:

41

42

43 Deputy Commissioner of Forfeited and Delinquent Lands for __________ County

44 After execution and acknowledgement of the deed, the deputy commissioner shall ascertain from the clerk of the county court the total amount of the transfer fee, the fee for recording the deed, and if the grantee was an assignee of the purchaser, the fee for recording the assignment, and shall notify the grantee to pay such amount to the clerk of the county court. Upon such payment and upon payment by the grantee to the deputy commissioner of a fee of twenty dollars as his compensation for preparing and executing the deed, the deputy commissioner shall have the deed and the assignment, if any, recorded by the clerk of the county court before delivery of the deed to the grantee. The purchaser shall have the right to examine the deed before it is recorded.

58 The clerk of the county court shall index the deed in
the grantor's index under the name of the former owner mentioned in the deed as well as under the name "State of West Virginia."
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Russell B. Beall  
Chairman Senate Committee

Phyllis Pirtle  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard J. Fenno  
Clerk of the Senate

GA Blankenship  
Clerk of the House of Delegates

Courant  
President of the Senate

Lewis A. McManus  
Speaker House of Delegates

The within approved this the 31st day of March, 1971.

Arch A. Shane, Jr.  
Governor