

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 989

(By Mr. MYLES)



PASSED MARCH 11, 1971

In Effect NINETY DAYS FROM Passage



989

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[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

3 dollars for each item included in the suit. In addition
4 thereto he shall receive a commission of fifteen per-
5 cent on each sale or redemption. Such commission on
6 sales shall be based on the sale price and in the case
7 of redemption on the total taxes and interest due. Such
8 compensation shall be collected from the redeмпtor as
9 provided for in section eighteen of this article. Such
10 compensation, together with a charge of one dollar
11 payable to the clerk of the circuit court for each item
12 in the suit, shall be taxed to the state as part of its
13 cost in the suit and shall be paid as hereinafter pro-
14 vided. Except as otherwise provided in this article, no
15 other costs shall be taxed.

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

1 The former owner of any forfeited or delinquent land,
2 or any other person who was entitled to redeem such
3 land under the provisions of section eight, article three
4 of this chapter, may file his petition in such suit with
5 the circuit court or the judge thereof in vacation, at any
6 time before confirmation of sale thereof requesting per-
7 mission to redeem such land to the extent that title thereto

8 remains in the state. The court or the judge thereof in
9 vacation may by proper decree, permit the petitioner
10 to redeem the land upon payment to the sheriff of the
11 total amount of taxes, interest and charges properly due
12 or chargeable thereon on the date of redemption, and all
13 court costs taxable in respect thereto under the provisions
14 of this article, which amount shall be fixed by the court
15 or the judge thereof in vacation, in the order.

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

27 Any redemption, which may have been heretofore had
28 by a former owner of real estate, pursuant to permis-

29 sion, granted such former owner by a vacation order, in
30 any such suit, is hereby declared valid.

§11A-4-32. Deed to purchaser; record.

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

5 This deed made this day of, 19.....,
6 by and between, deputy com-
7 missioner of forfeited and delinquent lands for.....
8 County, West Virginia, acting for and on behalf of the
9 State of West Virginia, grantor, and
10 purchaser, (or, heir, devisee
11 or assignee of, purchaser,)
12 grantee, witnesseth that

13 WHEREAS, In pursuance of and in accordance with the
14 statutes in such case made and provided, the above named
15 deputy commissioner did, by order of the Circuit Court
16 of County, in the month of.....,
17 in the year 19....., sell the real estate, hereinafter men-
18 tioned and described, for the benefit of the school fund,

19 and _____, (here insert name of pur-
20 chaser) for the sum of \$_____, that being the
21 amount of purchase money paid, did become the pur-
22 chaser of such real estate (or of an undivided _____
23 interest in such real estate) which was sold to the State
24 for nonpayment of taxes in the name of _____;
25 (or which was forfeited to the State for nonentry in the
26 name of _____; or which escheated
27 to the State in the name of _____; or
28 which was waste and unappropriated land belonging to
29 the State;) and

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

35 Now, therefore, the grantor, for and in consideration
36 of the premises and in pursuance of the statute, doth grant
37 and convey unto _____, grantee, his heirs and assigns
38 forever, the real estate so purchased, situate in the County

40 Witness the following signature:

42 Deputy Commissioner of Forfeited and

44 After execution and acknowledgement of the deed, the

45 deputy commissioner shall ascertain from the clerk of

46 the county court the total amount of the transfer fee,

47 the fee for recording the deed, and if the grantee was

48 an assignee of the purchaser, the fee for recording the

49 assignment, and shall notify the grantee to pay such

50 amount to the clerk of the county court. Upon such

51 payment and upon payment by the grantee to the deputy

52 commissioner of a fee of twenty dollars as his compensa-

53 tion for preparing and executing the deed, the deputy

54 commissioner shall have the deed and the assignment,

55 if any, recorded by the clerk of the county court before

56 delivery of the deed to the grantee. The purchaser shall

57 have the right to examine the deed before it is recorded.

58 The clerk of the county court shall index the deed in

59 the grantor's index under the name of the former owner
60 mentioned in the deed as well as under the name "State
61 of West Virginia."

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

Russell G. Beale
Chairman Senate Committee

Phyllis Rietzke
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Myers
Clerk of the Senate

A Blankenship
Clerk of the House of Delegates

Ed Blount
President of the Senate

Lewis N. McManus
Speaker House of Delegates

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

Arch A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/16/71

Time 1:25 p.m.