

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 236

(By Mr. POFFENBARGER)

PASSED FEBRUARY 19, 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 2-26-71

236

ENROLLED
Senate Bill No. 236

(By MR. POFFENBARGER)

[Passed February 19, 1971; 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 summary proceedings on petition for sale, lease or mortgage of the estate of minors, insane persons, or convicts.

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; notice.

1 In addition to the proceedings authorized by section
2 two 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
8 estate of the minor, or insane person or convict, or of
9 any of the other persons interested, be absolute or limited,
10 and 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 thereof
13 in vacation, or to any court of concurrent jurisdiction
14 with the circuit court, or to the judge thereof in vaca-
15 tion, or to any juvenile court, or to the judge thereof in
16 vacation, of the county in which the estate proposed to
17 be sold, leased, or encumbered, or some part thereof may

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

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

Furcell G. Brace
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Thomas Dyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Edw. Hunt
President of the Senate

Walter F. Bowers
Speaker House of Delegates

The within *approved* this the *25th*
day of *February*, 1971.

Arch W. Shaare, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/22/71

Time 2:38 p.m.

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

FEB 26 6 54 AM '71

RECEIVED