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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972



ENROLLED

HOUSE BILL No. 509

(By Mr. Stephoe)



PASSED March 10 1972

In Effect 90 days from Passage



FILED IN THE OFFICE
OF THE SECRETARY OF STATE

THIS DATE 3-28-72

509

ENROLLED

House Bill No. 509

(By MR. STEPTOE)

[Passed March 10, 1972; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article one, chapter forty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to proceedings by a civil action for release of dower in real estate which the owner has contracted to sell.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE I. DOWER.

§43-1-6. Proceedings for release of dower in real estate which owner has contracted to sell.

1 If the owner of real estate contracts to sell the same, and
2 the spouse of such owner refuses to release his or her
3 dower interest therein, such owner, or the person con-
4 tracting to purchase, may institute a civil action for the
5 purpose of having the dower interest released and the
6 contract consummated. The court on the hearing may, in
7 its discretion, and if satisfied that the contract of sale was
8 made in good faith and without design to force such
9 spouse to part with his or her dower interest, approve
10 the sale and price, and cause to be paid to such spouse
11 such gross sum, computed according to the method provid-
12 ed in article two of this chapter, as shall represent the

13 present value of his or her inchoate dower right. Upon
14 such payment as aforesaid the court shall order a release
15 of the dower interest, by such spouse, or if he or she re-
16 fuses to execute the release, then such release shall be
17 executed by a special commissioner to be appointed by
18 the court for the purpose, which release shall be effectual
19 to pass the property to the purchaser free of such right
20 of dower.

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

Russell H. Beall

Chairman Senate Committee

Wyllis J. Rutledge

Chairman House Committee

Originated in the House.

In effect ninety days from passage.

Howard Sobel

Clerk of the Senate

W. A. Blankenship

Clerk of the House of Delegates

E. Hans McCourt

President of the Senate

Lewis F. B. Braine

Speaker House of Delegates

The within *approved* this the *27th*
day of *March*, 1972.

Arch A. Braine Jr.

Governor

PRESENTED TO THE
GOVERNOR

Date 3/16/72

Time 2:10 p.m.