

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 1036

(By Mr. Shaw)



PASSED April 14 1973

In Effect Twenty days from Passage



FILED IN THE OFFICE
EDGAR F. HEISLER III
SECRETARY OF STATE
THIS DATE 5/3/73

1036

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House Bill No. 1036

(By MR. SHAW)

[Passed April 14, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section fourteen, article one, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to administration of estates and trusts; personal representatives; appraisers; and authority of appraisers to act throughout the state.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. PERSONAL REPRESENTATIVES.

§44-1-14. Appraisal of estates in duplicate; disposition.

1 The real and personal estate of every deceased person shall
2 be appraised as follows: The court or clerk by whose order
3 any person is authorized to act as personal representative shall,
4 upon the qualification of such personal representative, appoint
5 not less than three nor more than five appraisers, any three of
6 whom may act, in the county in which the will of the deceased
7 is probated or administration is granted upon his estate, and
8 a like number in every other county in which there may be any
9 real or personal estate of the deceased: *Provided*, That at the
10 request of the personal representative, the appraisers appointed
11 in the county in which the will of the deceased is probated
12 or administration is granted upon his estate shall have the

13 authority to act in any county in the state in which there may
14 be any real or personal estate of the deceased and the court or
15 clerk shall so designate in the order of appointment, and, in
16 such event, it shall be unnecessary to appoint appraisers in
17 every other county in which there may be any real or personal
18 estate of the deceased. Such appraisers, after first taking an
19 oath for the purpose, shall list and appraise at its real
20 and actual value all the real estate and all the tangible
21 property of every description owned by the deceased at the time
22 of his death and located in each county or the counties, as the
23 case may be, and they shall also list and appraise all his in-
24 tangible property of every description, including moneys,
25 credits, investments, annuities, insurance policies, judgments,
26 and decrees for moneys, notes, bonds, accounts and all other
27 evidences of debt, whether owing to him by persons or corpora-
28 tions in or out of the state, and the number and value, including
29 both the par value, if any, and the actual value, of any shares
30 of capital stock owned by him in any corporation, whether
31 located in this state or elsewhere. Such appraisers shall
32 designate such intangible property as good, bad or doubtful
33 as to them may appear to be correct, and by whom owing
34 and when payable, and from what time such of them as are
35 interest-bearing bear interest. Every note, bond or evidence of
36 debt shall have endorsed thereon the word "appraised," under
37 which each acting appraiser shall sign his name. No judgment
38 shall be rendered by any of the courts of the state upon such
39 note, bond or evidence of debt unless and until the same shall
40 be first shown to have been listed by the appraisers: *Provided,*
41 *however,* That any note, bond or evidence of debt which bears
42 the endorsement by the appraisers, as above required, shall
43 need no further proof that the same was listed. The several
44 appraisements and lists aforesaid shall be executed in duplicate
45 and shall be signed by the appraisers who made the same, and
46 be forthwith returned to the commissioner of accounts to
47 whom the estate of such deceased person has been referred
48 as provided in section one, article two of this chapter. Said
49 commissioner of accounts shall inspect such appraisements, see
50 that the same are in proper form, and, within ten days after
51 they are received and approved by him, deliver one copy of the
52 same to the clerk of the county court, who shall record the
53 same, with the certificate of approval, and mail one copy of

54 the same to the tax commissioner of West Virginia. The date
55 of return of an appraisal shall be entered by such clerk
56 in his record of fiduciaries. Every such appraisal and list
57 shall be prima facie evidence of the value of the estate
58 embraced therein, and that the personal estate embraced
59 therein came to the hands of the personal representative.
60 Such appraisers shall each receive a fee of not less than one
61 dollar nor more than five dollars per day, to be fixed by said
62 commissioner in accordance with the amount of the estate
63 and the work involved in making the appraisal, and their
64 actual expenses necessarily incurred in making such appraise-
65 ment, and such fees and expenses and the commissioner's
66 approval thereof shall be noted in the commissioner's certifi-
67 cate. No person shall be permitted by any means whatsoever to
68 avoid the appraisal and listing of his estate as herein
69 provided, nor shall his personal representative be permitted
70 to do so. Any personal representative who fails, refuses or
71 declines to comply with the provisions of this section shall
72 be guilty of a misdemeanor, and, upon conviction, shall be
73 fined not less than twenty-five dollars nor more than five
74 hundred dollars.

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

H. Darrel Darby
Chairman Senate Committee

Lawrence C. Christian Jr
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Coason
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. H. Broderick
President of the Senate

Lewis J. M. Thomas
Speaker House of Delegates

The within approved this the 24th
day of April, 1973.

Anna A. Thayer Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/24/73

Time 2:34 p.m.

RECEIVED

MAY 8 9 53 AM '73

OFFICE OF
COMPTROLLER OF STATE
STATE OF WEST VIRGINIA