

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 671

(By Mr. Myles)



PASSED March 12, 1973

In Effect 90 days from Passage



116

FILED IN THE OFFICE
ROBERT F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3-19-73

ENROLLED

House Bill No. 671

(By MR. MYLES)

[Passed March 12, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section seventeen, article three, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the redemption of delinquent land from purchaser; receipt; list of redemptions; lien; preparation of list of persons to be served and increasing title search fee.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article three, 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 3. SALE OF LAND FOR TAXES.

§11A-3-17. Redemption from purchase by individual; receipt; list of redemptions; lien.

1 After the sale, the former owner of, or any other person
2 who was entitled to pay the taxes on, any real estate
3 purchased by an individual, may redeem at any time before
4 April first of the second year following the sale. In order to
5 redeem, he must pay to the purchaser, his heirs or assigns,
6 the following amounts: (1) The amount of purchase money
7 paid to the sheriff, with interest at the rate of twelve percent
8 per annum from the date of sale. (2) All other taxes thereon,
9 which have since been paid by the purchaser, his heirs or
10 assigns, with interest at the rate of twelve percent per annum
11 from the date of payment. (3) Such additional expenses as
12 may have been incurred in procuring the survey or report
13 provided for in sections twenty-one and twenty-two of this
14 article; and for the examination of the title in order to prepare

15 the list of those to be served with notice and giving the
16 notice required by sections twenty-three and twenty-four of
17 this article, but the amount he shall be required to pay for
18 the expenses incurred in preparing the list of those to be
19 served with notice to redeem, required by sections twenty-
20 three and twenty-four of this article, shall not exceed fifty
21 dollars.

22 The person redeeming shall be given duplicate receipts for
23 the payment. If the purchaser, his heirs or assigns, shall
24 refuse or fail to sign and give such receipts when lawfully
25 required to do so, he or they shall pay to the person re-
26 deemng twice the amount of such payment, which may be
27 recovered by action on the case in any court of competent
28 jurisdiction. One of such receipts shall be filed with the clerk
29 of the county court on or before the day on which the right
30 to redeem expires. The clerk shall endorse on both receipts
31 the fact and time of such filing, and shall note the fact of
32 redemption on his record of delinquent lands. If the receipt
33 is not filed on or before such date, the redemption shall be
34 void as to creditors and subsequent bona fide purchasers from
35 the purchaser, his heirs or assigns. If, however, the receipt is
36 filed after the date required, it shall operate as notice from
37 and after the date of filing. In April of each year the clerk
38 of the county court shall prepare and certify to the auditor
39 a list of all redemptions from sales to individual purchasers,
40 which have not been included in any former list.

41 Any person who, by reason of the fact that no provision is
42 made for partial redemption of real estate purchased by an
43 individual, is compelled in order to protect himself to redeem
44 all of such real estate when it belongs in whole or in part to
45 some other person, shall have a lien on the interest of such
46 other person for the amount paid to redeem such interest. He
47 shall lose his right to the lien, however, unless within thirty
48 days after payment he shall file with the clerk of the county
49 court his claim in writing against the owner of such interest,
50 together with the receipt provided for in this or the following
51 section. The clerk shall docket the claim on the judgment lien
52 docket in his office and properly index the same. Such lien
53 may be enforced as other judgment liens are enforced.

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

H. Darrel Deady
Chairman Senate Committee

Thomas C. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Barson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. I. Baskley Jr.
President of the Senate

Lewis J. McNamee
Speaker House of Delegates

The within *approved* this the *16th*
day of *March*, 1973.

Hubert H. Parag
Governor

PRESENTED TO THE
GOVERNOR

Date 3/15/73

Time 10:30 a.m.