ENROLLED

HOUSE BILL No. 706

Originating in the House Committee on the
Judiciary

PASSED March 8, 1975

In Effect ninety days from Passage

C 641
ENROLLED

H. B. 706

(Originating in the House Committee on the Judiciary)

[Passed March 8, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article one, chapter forty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the revocation of a will by marriage, annulment or divorce subsequent to the execution of such will; and providing exceptions.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. CAPACITY TO MAKE; REQUISITES; VALIDITY.

§41-1-6. When marriage, annulment or divorce revokes will; certain exceptions.

Every will made by a man or woman shall be revoked by his or her marriage, annulment or divorce, except a will which makes provision therein for such contingency, or a will which, though not making provision for such contingency, is made in exercise of a power of appointment, when the estate thereby appointed would not, in default of such appointment, pass to his or her heirs, personal representative, or next of kin: Provided, That even when the estate thereby appointed would, in default of such appointment, pass to his or her heirs, personal representative, or next of kin, such will shall, nevertheless, not
be revoked (a) by such marriage if such marriage is between
the person appointed in the exercise of such power of appoint-
ment and the person exercising such power of appointment, or
(b) by such annulment or divorce, unless the person appointed
in the exercise of such power of appointment is the person
whose marriage to the person exercising such power of ap-
pointment was terminated by such annulment or divorce.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 20th day of __________________________, 1975.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/14/75
Time 4:30 p.m.