

APR 11 1975

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1975**

— ● —

**ENROLLED**

**HOUSE BILL No. 706**

*Originating in the House Committee on the*  
(By Mr. *\_\_\_\_\_*)  
*Judiciary*

— ● —

PASSED March 8, 1975

In Effect ninety days from Passage



*706*

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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.**

1 Every will made by a man or woman shall be revoked by  
2 his or her marriage, annulment or divorce, except a will which  
3 makes provision therein for such contingency, or a will which,  
4 though not making provision for such contingency, is made in  
5 exercise of a power of appointment, when the estate thereby  
6 appointed would not, in default of such appointment, pass to  
7 his or her heirs, personal representative, or next of kin: *Pro-*  
8 *vided*, That even when the estate thereby appointed would, in  
9 default of such appointment, pass to his or her heirs, personal  
10 representative, or next of kin, such will shall, nevertheless, not

11 be revoked (a) by such marriage if such marriage is between  
12 the person appointed in the exercise of such power of appoint-  
13 ment and the person exercising such power of appointment, or  
14 (b) by such annulment or divorce, unless the person appointed  
15 in the exercise of such power of appointment is the person  
16 whose marriage to the person exercising such power of ap-  
17 pointment was terminated by such annulment or divorce.

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

*James L. Davis*  
Chairman Senate Committee

*Clarence C. Chestnut Jr*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. J. McLaughlin*  
Clerk of the Senate

*W. B. Stankovich*  
Clerk of the House of Delegates

*W. B. Stankovich*  
President of the Senate

*Lewis F. McManus*  
Speaker House of Delegates

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

*Arthur S. Hanes Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/14/75

Time 4:30 p.m.