WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

--- • ---

ENROLLED

HOUSE BILL No. 626

(By Mr. Martin)

--- • ---

PASSED April 8, 1977

In Effect ninety days from Passage
AN ACT to amend and reenact section four, article three, chapter forty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to preventing failure of devise or bequest because of void residuary clause in will.

Be it enacted by the Legislature of West Virginia:

That section four, article three, 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 3. PROVISIONS AS TO CONSTRUCTION.

§41-3-4. Failure or invalidity of devise or bequest.

1 Unless a contrary intention shall appear by the will, such real or personal estate, or interest therein, as shall be comprised in any devise or bequest in such will, which devise or bequest shall fail or be void, or be otherwise incapable of taking effect, shall, if the estate be real estate, be included in the residuary devise, or, if the estate be personal estate, in the residuary bequest, if any residuary devise or bequest be contained in such will, and, in the absence of such residuary devise or bequest, shall pass as in case of intestacy.

10 However, when a devise or bequest shall be included in a residuary clause of the will, which devise or bequest shall fail or be void or be otherwise incapable of taking effect, it shall not pass as in case of intestacy but shall pass to the remaining
residuary devisees or legatees or devisee or legatee, if any there be, in proportion to their respective shares or interests in the residue.
The Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

James E. Davis
Chairman Senate Committee

Clarence L. Chastad
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

J. Ellefield, Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

J. R. Broaddus
President of the Senate

Donald L. Hoff
Speaker House of Delegates

The within ______ approved ______ this the ______
day of ______ , 1977.

______
Governor
APPROVED AND SIGNED BY THE GOVERNOR

Date: April 24, 1977
Time: 3:40 p.m.