WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

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ENROLLED

HOUSE BILL No. 961

(By Mr. Allwright)

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Passed January 29, 1980

In Effect Ninety Days From Passage
AN ACT to amend article eleven, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six, relating generally to the disposition of property of incompetents and the survival of powers of attorney executed prior to incompetency.

Be it enacted by the Legislature of West Virginia:

That article eleven, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section six, to read as follows:

ARTICLE 11. COMMITTEE; DISPOSITION OF PROPERTY.

§27-11-6. Survival of powers of attorney following disability or incompetence.

1 (a) The subsequent disability or incompetence of a principal shall not revoke or terminate the authority of an attorney-in-fact who acts under a power of attorney in a writing executed by such principal prior to such disability or incom-
petence if such writing contains the words "This power of
attorney shall not be affected or terminated by the subse­
quently disability or incompetence of the principal," or words
of similar import clearly showing the intent of such principal
that the authority conferred in such writing shall be exer­
cisable notwithstanding the subsequent disability or incom­
petence of such principal.

(b) All acts done by an attorney-in-fact pursuant to a
power granted pursuant to subsection (a) of this section dur­
ing any period of disability or incompetence shall have the
same effect and inure to the benefit of and bind a principal
and his distributees, devisees, legatees and personal repre­
sentatives as if such principal were competent and not dis­
abled.

(c) The power and authority granted in this section to an
attorney-in-fact or other agent is terminated upon the ap­
pointment of a committee or conservator for the principal under
other provisions of this code.

(d) This section shall not be construed so as to alter or
affect any provision for revocation or termination contained in
any written power of attorney.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Joseph C. McKinley  
Clerk of the Senate

Clerk of the House of Delegates

W.B. Blankenship  
President of the Senate

Speaker House of Delegates

The within ____________ approved this the _____ day of ____________, 1980.

John D. Bumpus  
Governor