

Date 2-6-80

Time 11:30 A.M.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980

— ● —

ENROLLED

HOUSE BILL No. 961

(By Mr. Allbright)

— ● —

Passed January 29, 1980

In Effect Ninety Days From Passage



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No. 961

ENROLLED

H. B. 961

(By MR. ALBRIGHT)

(Originating in the House Committee on the Judiciary)

[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 prin-
- 2 cipal shall not revoke or terminate the authority of an attor-
- 3 ney-in-fact who acts under a power of attorney in a writing
- 4 executed by such principal prior to such disability or incom-

5 petence if such writing contains the words "This power of
6 attorney shall not be affected or terminated by the subse-
7 quent disability or incompetence of the principal," or words
8 of similar import clearly showing the intent of such principal
9 that the authority conferred in such writing shall be exer-
10 cisable notwithstanding the subsequent disability or incom-
11 petence of such principal.

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

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

23 (d) This section shall not be construed so as to alter or
24 affect any provision for revocation or termination contained in
25 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

Thomas C. Chastan
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Lord C. Wicks
Clerk of the Senate

V. A. Blumenshyn
Clerk of the House of Delegates

W. A. Brinkley
President of the Senate

Clyde M. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *6*
day of *February*, 1980.

John R. Rupp
Governor



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