WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

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ENROLLED

Com. Sub. for
HOUSE BILL No. 982

(By Mr. Tompkins)

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Passed April 10, 1981

In Effect Ninety Days From Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 982

(By Mr. Tompkins)

[Passed April 10, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-one, article two, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the payment of debts of a decedent and the order of priority of payment of such debts; and providing for the payment of funeral expenses of a deceased wife from the assets of her estate notwithstanding the surviving husband’s ability to pay such debts.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. PROOF AND ALLOWANCE OF CLAIMS AGAINST ESTATES OF DECEDENTS.

§44-2-21. Order in which debts of decedent to be paid; funeral expenses of a deceased wife payable out of her estate.

1 When the assets of the decedent in the hands of his personal representative, after the payment of charges of administration, are not sufficient for the satisfaction of all demands against him, they shall be applied in the following order:
(a) To the payment of funeral expenses, to an amount not exceeding six hundred dollars: Provided, That the reasonable and necessary funeral and burial expenses, including expenses for monuments and all other expenses of like nature, incident to a deceased wife shall be payable by the personal representative out of the assets of her estate irrespective of any other provision of this code or of other rule of law and all such expenses shall be allowed as a charge of administration pursuant to the provisions of sections five and six of this article, and shall likewise be allowed as deductions against the assets of such estate pursuant to the provisions of article eleven, chapter eleven of this code.

(b) To the claims of physicians, not exceeding one hundred dollars, for services rendered during the last illness of the decedent; and accounts of druggists, not exceeding the same amount, for articles furnished during the same period; and claims of professional nurses or other person rendering service as nurse to the decedent, at his request or the request of some member of his immediate family, not exceeding the same amount, for services rendered during the same period; and accounts of hospitals and sanitariums, not exceeding the same amount, for articles furnished and services rendered during the same period;

(c) To debts due the United States;

(d) To debts due this state;

(e) To taxes and levies assessed upon the decedent previous to his death;

(f) To debts due as trustee for persons under disabilities, as receiver or commissioner under decree of court of this state, as personal representative, guardian, committee, or other fiduciary, where the qualification was in this state;

(g) To the balances on any items listed in subdivisions (a) and (b) hereof and to all other demands except those in the next class;

(h) To voluntary obligations.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

P. P. Baylor  
Chairman Senate Committee

Tony E. Whitlow  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Fred Q. Nichols  
Clerk of the Senate

CAB Blankenship  
Clerk of the House of Delegates

William P. Law  
President of the Senate

Charles W. Lee, Jr.  
Speaker House of Delegates

The within is approved this the 28th day of April, 1981.

Jim Ferguson  
Governor