

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

Mo: 982

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 982

(By Mr. Tompkins)

— ● —

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
- 2 representative, after the payment of charges of administration,
- 3 are not sufficient for the satisfaction of all demands against
- 4 him, they shall be applied in the following order:

5 (a) To the payment of funeral expenses, to an amount not
6 exceeding six hundred dollars: *Provided*, That the reason-
7 able and necessary funeral and burial expenses, including
8 expenses for monuments and all other expenses of like nature,
9 incident to a deceased wife shall be payable by the personal
10 representative out of the assets of her estate irrespective
11 of any other provision of this code or of other rule of law
12 and all such expenses shall be allowed as a charge of ad-
13 ministration pursuant to the provisions of sections five and
14 six of this article, and shall likewise be allowed as deductions
15 against the assets of such estate pursuant to the provisions of
16 article eleven, chapter eleven of this code.

17 (b) To the claims of physicians, not exceeding one hundred
18 dollars, for services rendered during the last illness of the de-
19 cedent; and accounts of druggists, not exceeding the same
20 amount, for articles furnished during the same period; and
21 claims of professional nurses or other person rendering service
22 as nurse to the decedent, at his request or the request of some
23 member of his immediate family, not exceeding the same
24 amount, for services rendered during the same period; and
25 accounts of hospitals and sanitariums, not exceeding the same
26 amount, for articles furnished and services rendered during
27 the same period;

28 (c) To debts due the United States;

29 (d) To debts due this state;

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

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

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

39 (h) To voluntary obligations.

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

R. P. Baylor
Chairman Senate Committee

Jonny E. Whitlow
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Todd C. Wilho
Clerk of the Senate

W. Blaskowski
Clerk of the House of Delegates
Wm. R. Brown
President of the Senate

Wayle G. Lee, Jr.
Speaker House of Delegates

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

John D. Roper
Governor

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SECY. OF STATE