

No. 1113

RECEIVED

MAR 8 4 20 PM '83

OFFICE OF THE GOVERNOR

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



# ENROLLED

HOUSE BILL No. 1113

(By Mr. Stephoe)



Passed February 25, 1983

In Effect July 1, 1983 ~~Passage~~



APPROVED AND SIGNED BY THE GOVERNOR

Date 3-14-83

\_\_\_\_\_

ENROLLED

# H. B. 1113

(By MR. STEPTOE)

---

[Passed February 25, 1983; in effect July 1, 1983.]

---

AN ACT to amend and reenact section one, article two, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the limit of civil jurisdiction of magistrates.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 2. JURISDICTION AND AUTHORITY.**

**§50-2-1. Civil jurisdiction.**

1 Except as limited herein and in addition to jurisdiction  
2 granted elsewhere to magistrate courts or justices of the peace,  
3 magistrate courts shall have jurisdiction of all civil actions  
4 wherein the value or amount in controversy or the value of  
5 property sought, exclusive of interest and cost, is not more  
6 than two thousand dollars. Magistrate courts shall have juris-  
7 diction of matters involving unlawful entry or detainer of real  
8 estate so long as the title to such real estate is not in dispute.  
9 Except as the same may be in conflict with the provisions of  
10 this chapter, the provisions of article three, chapter fifty-five  
11 of this code, regarding unlawful entry and detainer, shall  
12 apply to such actions in magistrate court. Magistrate courts  
13 shall have jurisdiction of actions on bonds given pursuant to

14 the provisions of this chapter. Magistrate courts shall have  
15 continuing jurisdiction to entertain motions in regard to post-  
16 judgment process issued from magistrate court and decisions  
17 thereon may be appealed in the same manner as judgments.

18 Magistrate courts shall not have jurisdiction of actions in  
19 equity, of matters in eminent domain, of matters in which the  
20 title to real estate is in issue, of proceedings seeking satisfac-  
21 tion of liens through the sale of real estate, of actions for false  
22 imprisonment, of actions for malicious prosecution or of ac-  
23 tions for slander or libel or of any of the extraordinary  
24 remedies set forth in chapter fifty-three of this code.

25 Magistrates, magistrate court clerks, magistrate court deputy  
26 clerks and magistrate assistants shall have the authority to  
27 administer any oath or affirmation, to take any affidavit or  
28 deposition, unless otherwise expressly provided by law, and  
29 to take, under such regulations as are prescribed by law, the  
30 acknowledgment of deeds and other writings.

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

*James L. Davis*  
-----  
Chairman Senate Committee

*Arnold Green*  
-----  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1983.

*Todd C. Willis*  
-----  
Clerk of the Senate

*Donald L. Kopp*  
-----  
Clerk of the House of Delegates  
*Warren P. McLean*  
-----  
President of the Senate

*Walter M. Seal, Jr.*  
-----  
Speaker House of Delegates

The within *is approved* this the *14*  
day of *March*, 1983.

*John R. Reynolds*  
-----  
Governor

RECEIVED

83 MAR 16 P 2: 12

OFFICE STATE

SECY. OF STATE