

No: 63

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984



ENROLLED

Committee Substitute for
SENATE BILL NO. 63

(By Mr. *Whitacre*)



PASSED *February 8* 1984

In Effect *ninety days from* Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 63

(MR. WHITACRE, *original sponsor*)

[Passed February 8, 1984, in effect ninety days from passage.]

AN ACT to amend article four, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-one-a, relating to the resolution of boundary disputes; providing a method of such resolution through the services of land surveyors or professional engineers; corrective deeds with respect thereto; and clarifying that method of resolution is not exclusive remedy with respect to such disputes.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 4. EJECTMENT.

§55-4-31a. Resolution of boundary disputes; corrective deeds; petition for ascertainment and designation of boundary line or lines of real estate.

1 Where a survey has been made to establish the boundary
2 to a parcel of land and there is a dispute between two or
3 more owners of the land so surveyed as to the location of the
4 boundary as located by such surveyor, the surveyor may
5 make or cause to be made a review of the appropriate deeds
6 of the parcels of land involved to determine the correct
7 property description and location of the line.

8 If there is not sufficient evidence at the site of the parcels
9 involved to ascertain the true location of the boundary line,
10 the parties to the dispute may secure the judgment and
11 knowledge of another licensed land surveyor or surveyors
12 or registered professional engineer or engineers as to the
13 true location. If an agreement is reached between all of the
14 owners of the land involved in the dispute, then a straw
15 deed or deed of correction shall be made, with the
16 signatures of all parties affixed thereto.

17 If after the intervention of the additional surveyor,
18 surveyors, engineer or engineers, there still exists a dispute
19 as to the location of the boundary line, then any party may
20 bring an action pursuant to section thirty-one of this article
21 in the circuit court of the county where the land is located to
22 ascertain the true location of the boundary line: *Provided,*
23 That in any such action no party to such action shall be
24 permitted to introduce into evidence any agreement with
25 respect to the boundary dispute between two or more
26 parties to the action if such agreement is not embodied in a
27 corrective or straw deed executed by the parties.

28 Nothing in this section shall prevent or be deemed a
29 condition precedent to the institution of an action under
30 section thirty-one of this article.

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

James L. Davis
.....
Chairman Senate Committee

Donald Anello
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd C. Welbo
.....
Clerk of the Senate

Donald L. Hopp
.....
Clerk of the House of Delegates

Walter W. McCreary
.....
President of the Senate

William H. Seay Jr.
.....
Speaker House of Delegates

The within *is approved* this the ... *17*
day of *February* .., 1984.

..... *Paul D. Taylor*
Governor

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SECY. OF STATE