

No: 15 ✓

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1985

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

SENATE BILL NO. 15

(By Mr. Tucker)

PASSED March 6 1985

In Effect July 1, 1985



**ENROLLED**  
**Senate Bill No. 15**

(BY MR. TUCKER)

[Passed March 6, 1985; to take effect July 1, 1985.]

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 jurisdiction of magistrate courts in civil matters.

*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  
3 peace, magistrate courts shall have jurisdiction of all civil  
4 actions wherein the value or amount in controversy or the  
5 value of property sought, exclusive of interest and cost, is  
6 not more than three thousand dollars. Notwithstanding the  
7 provisions of section eleven, article five of this chapter, or  
8 any other limitations to the contrary, magistrate courts  
9 shall have jurisdiction to enter an order for support and to  
10 enforce said orders as provided in articles seven and eight,  
11 chapter forty-eight of this code. Magistrate courts shall  
12 have jurisdiction of matters involving unlawful entry or

13 detainer of real estate so long as the title to such real estate  
14 is not in dispute. Except as the same may be in conflict with  
15 the provisions of this chapter, the provisions of article  
16 three, chapter fifty-five of this code, regarding unlawful  
17 entry and detainer, shall apply to such actions in magistrate  
18 court. Magistrate courts shall have jurisdiction of actions  
19 on bonds given pursuant to the provisions of this chapter.  
20 Magistrate courts shall have continuing jurisdiction to  
21 entertain motions in regard to post-judgment process  
22 issued from magistrate court and decisions thereon may be  
23 appealed in the same manner as judgments.

24 Magistrate courts shall not have jurisdiction of actions in  
25 equity, of matters in eminent domain, of matters in which  
26 the title to real estate is in issue, of proceedings seeking  
27 satisfaction of liens through the sale of real estate, of  
28 actions for false imprisonment, of actions for malicious  
29 prosecution or of actions for slander or libel or of any of the  
30 extraordinary remedies set forth in chapter fifty-three of  
31 this code.

32 Magistrates, magistrate court clerks, magistrate court  
33 deputy clerks, and magistrate assistants shall have the  
34 authority to administer any oath or affirmation, to take any  
35 affidavit or deposition, unless otherwise expressly provided  
36 by law, and to take, under such regulations as are  
37 prescribed by law, the acknowledgment of deeds and other  
38 writings.

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

*Russ O. Williams*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1985.

*Sodd C. Mills*  
Clerk of the Senate

*Donald L. Kopp*  
Clerk of the House of Delegates

*Dan Tonkovich*  
President of the Senate

*Joseph P. Albright V*  
Speaker House of Delegates

The within *Approved* this the *14th*  
day of *March*, 1985.

*Arch A. Moore Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/8/65

Time 2:02 p.m.

Q.T.