

No. 52

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

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ENROLLED

SENATE BILL NO. 52

(By Mr. Tucker)

—•—

PASSED March 22, 1985

In Effect ninety days from Passage



ENROLLED
Senate Bill No. 52

(BY MR. TUCKER)

[Passed March 22, 1985; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article three, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to publication by the sheriff of a notice of sale of land for delinquent taxes; notice to landowners and lienholders; manner and time of notice.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. SALE OF LAND FOR TAXES.

§11A-3-2. Second publication of list of delinquent real estate; notice.

1 On or before September tenth of each year, the sheriff
2 shall prepare a second list of delinquent lands, which shall
3 include all real estate in his county remaining delinquent as
4 of September first, together with a notice of sale, in form or
5 effect as follows:

6 Notice is hereby given that the following described tracts
7 or lots of land or undivided interests therein in the County
8 of which are delinquent for the nonpayment
9 of taxes for the year (or years) 19 , will be offered for sale
10 by the undersigned sheriff (or collector) at public auction at
11 the front door of the courthouse of the county, between the

12 hours of ten in the morning and four in the afternoon, on the
 13 day of, 19.....

14 Each unredeemed tract or lot, or each unredeemed part
 15 thereof or undivided interest therein, will be sold at public
 16 auction to the highest bidder for cash in an amount which
 17 shall not be less than the taxes, interest and charges which
 18 shall be due thereon to the date of sale, as set forth in the
 19 following table:

20	Name of person	Quantity	Local	Total amount of taxes,
21	charged	of	descrip-	interest and charges
22	with taxes	land	tion	due to date of sale

23 Any of the aforesaid tracts or lots, or part thereof or an
 24 undivided interest therein, may be redeemed by the
 25 payment to the undersigned sheriff (or collector) before
 26 sale, of the total amount of taxes, interest and charges due
 27 thereon up to the date of redemption.

28 Given under my hand this day of
 29, 19.....

30
 31 Sheriff (or collector).

32 The sheriff shall publish the list and notice prior to the
 33 sale date fixed in the notice as a Class III-0 legal
 34 advertisement in compliance with the provisions of article
 35 three, chapter fifty-nine of this code, and the publication
 36 area for such publication shall be the county. In addition to
 37 such publication, no less than thirty days prior to the sale
 38 the sheriff shall send a notice of such delinquency by
 39 certified mail to the last known address of each person
 40 whose taxes are delinquent and to each person having a lien
 41 on real property upon which the taxes are due, as disclosed
 42 by a valid lien instrument duly recorded in the office of the
 43 clerk of the county commission: *Provided*, That in a case
 44 where one owner owns more than one parcel of real
 45 property upon which taxes are delinquent, the sheriff may,
 46 at his option, mail separate notices to the owner and each
 47 lienholder for each parcel, or may prepare and mail to the
 48 owner and each lienholder a single notice which pertains to
 49 all such delinquent parcels. If he elects to mail only one
 50 notice, that notice shall set forth a legally sufficient
 51 description of all parcels of property on which taxes are
 52 delinquent. In no event shall failure to receive the mailed
 53 notice by the landowner or lienholder affect the validity of

54 the title of the property conveyed if it is sold pursuant to
55 section four, article three, chapter eleven-a of this code.

56 To cover the cost of preparing and publishing the
57 delinquent list and mailing notice to the landowner and any
58 lienholder, a charge of six dollars shall be added to the
59 taxes, interest and charges already due on each item and
60 other charges shall be stated in the list as the total amount
61 due.

62 Any person, whose taxes were delinquent on September
63 first, may have his name removed from the delinquent list
64 prior to the time the same is delivered to the newspapers for
65 publication and the mailing of the above required notice by
66 paying to the sheriff the full amount of taxes and costs owed
67 by such person at the date of such redemption. In such case,
68 the sheriff shall include but fifty cents of the costs provided
69 in this section in making such redemption. Costs collected
70 by the sheriff hereunder which are not expended for
71 publication and mailing shall be paid into the general
72 county fund.

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

Bruce D. Williams
.....
Chairman Senate Committee

Floyd Fuller
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Stuchi
.....
Clerk of the Senate

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

Sam Tonkovich
.....
President of the Senate

Joseph P. Albright
.....
Speaker House of Delegates

The within *approved* this the *2nd*
day of *April* 1985.

Arch A. Shaver Jr.
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/21/85

Time 5:02 p.m.

RECEIVED

1985 APR -2 PM 3:01
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE