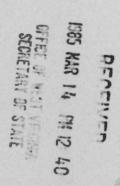
No: 15

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



ENROLLED

SENATE BILL NO. 15

(By Mr. Jucker

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.

- Except as limited herein and in addition to jurisdiction
- 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

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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

5 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.

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

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

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

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1985.

Clerk of the Senate

Clerk of the House of Delegat

President of the Senate

Speaker House of Delegates

day of . .

Governo

PRESENTED TO THE

GOVERNOR

Date 3/8/8:

Time 2.02p.m

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