

No: 2736

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



# ENROLLED

*Com. Sub. for*  
**HOUSE BILL No. 2736..**

(By Delegate *s. Humphreys and Garrett*)



Passed *March 14,* 1987

In Effect *Ninety Days from* Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2736**  
(By DELEGATES HUMPHREYS and GARRETT)

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[Passed March 14, 1987; in effect ninety days from passage.]

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AN ACT to amend and reenact section one, article eight, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the sale, conveyance and management of a decedent's real estate; powers of executor and administrator with will annexed with respect to the sale of their decedent's real estate; and the effect of such amendment upon conveyance previously made.

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

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

**ARTICLE 8. REAL ESTATE OF DECEDENTS.**

**§44-8-1. Sale, conveyance and management of decedent's real estate; powers of executor and administrator with will annexed.**

1 Real estate devised to be sold shall, if no person other  
2 than the executor be appointed for the purpose, be sold  
3 and conveyed by the executor, and the proceeds of sale,  
4 or the rents and profits of any real estate which the  
5 executor is authorized by the will to receive, shall be

6 received by the executor who qualifies, or by his  
7 successor. If none qualify, or the one qualifying shall die,  
8 resign, or be removed before the trust is executed or  
9 completed, the administrator with the will annexed  
10 shall sell or convey the lands so devised to be sold, and  
11 receive the proceeds of sale, or the rents and profits  
12 aforesaid, as an executor might have done.

13 When any will heretofore or hereafter executed gives  
14 to the executor named therein the power to sell the  
15 testator's real estate, which has not been theretofore  
16 specifically devised therein, the executor may sell any  
17 such real estate unless otherwise provided in said will.  
18 If such will directs the sale of testator's real estate but  
19 names no executor, or names an executor and the  
20 executor dies, resigns or becomes incapable of acting,  
21 and an administrator with the will annexed is ap-  
22 pointed, the administrator with the will annexed may  
23 sell such real estate as aforesaid.

24 Nothing in this section shall be deemed or construed  
25 so as to invalidate any conveyance made prior to the  
26 effective date of the amendments thereto adopted by the  
27 Legislature at its regular session held in the year one  
28 thousand nine hundred eighty-seven.

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

*Burr O. Williams*  
-----  
Chairman Senate Committee

*Lyle Satter*  
-----  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

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

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

*Don Tankamill*  
-----  
President of the Senate

*John C. Back*  
-----  
Speaker of the House of Delegates

The within *approved* this the *2nd*  
*April* day of \_\_\_\_\_, 1987.

*Arthur R. Shouse, Jr.*  
-----  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/87

Time 2:39 p.m.