WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

ENROLLED

Com. Sub. for

HOUSE BILL No. 2736

(By Delegates Humphrey and Garrett)

Passed March 14, 1987

In Effect Ninety Days from Passage
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 DECEDEENTS.

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

When any will heretofore or hereafter executed gives to the executor named therein the power to sell the testator’s real estate, which has not been theretofore specifically devised therein, the executor may sell any such real estate unless otherwise provided in said will. If such will directs the sale of testator’s real estate but names no executor, or names an executor and the executor dies, resigns or becomes incapable of acting, and an administrator with the will annexed is appointed, the administrator with the will annexed may sell such real estate as aforesaid.

Nothing in this section shall be deemed or construed so as to invalidate any conveyance made prior to the effective date of the amendments thereto adopted by the Legislature at its regular session held in the year one thousand nine hundred eighty-seven.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the day of , 1987.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/07/87
Time 3:39 p.m.