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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

SENATE BILL NO. 232

(By Senator Wooten)



PASSED March 1, 1994
In Effect 90 days from Passage

E N R O L L E D

Senate Bill No. 232

(BY SENATOR WOOTON)

[Passed March 1, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article five, chapter forty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to reducing the time to appeal an order or judgment of the county commission admitting or refusing to admit a will to probate.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. PRODUCTION, PROBATE AND RECORD OF WILLS.

§41-5-7. Appeal from probate order — When to be taken; procedure.

1 Any person feeling himself aggrieved by any order
2 or judgment of the county commission admitting or
3 refusing to admit any will to probate may, within
4 three months, or, if such a person be under any
5 disability within three months after such disability
6 ceases, file his petition in the circuit court of such
7 county, or before the clerk thereof, appealing to the
8 circuit court from such order or judgment, stating in

9 the petition the grounds of appeal and the parties
10 interested in the probate of the will; and, in case of
11 appeal, it shall be the duty of the clerk of the county
12 commission promptly to transmit to the clerk of the
13 circuit court, the will and all original papers filed or
14 used in the proceedings for probate, together with
15 copies of all orders made therein. The clerk of the
16 circuit court shall, upon the filing of such petition,
17 issue process thereon, and the case shall be proceeded
18 in, tried and determined in such court, regardless of
19 the proceedings before the county commission, and in
20 the same manner and in all respects as if the applica-
21 tion for such probate had been originally made to the
22 circuit court.

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

[Handwritten Signature]

Chairman Senate Committee

[Handwritten Signature]

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten Signature]

Clerk of the Senate

[Handwritten Signature]
Clerk of the House of Delegates

[Handwritten Signature]
President of the Senate

[Handwritten Signature]
Speaker House of Delegates

The within is approved this the 14th day of March, 1994.

[Handwritten Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 3-8-94

Time 2:41 p.m.
eva