WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1994

ENROLLED
SENATE BILL NO. 232
(By Senator Wooton)

PASSED March 1, 1994
In Effect 90 days from Passage
ENROLLED

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 or judgment of the county commission admitting or refusing to admit any will to probate may, within three months, or, if such a person be under any disability within three months after such disability ceases, file his petition in the circuit court of such county, or before the clerk thereof, appealing to the circuit court from such order or judgment, stating in
the petition the grounds of appeal and the parties interested in the probate of the will; and, in case of appeal, it shall be the duty of the clerk of the county commission promptly to transmit to the clerk of the circuit court, the will and all original papers filed or used in the proceedings for probate, together with copies of all orders made therein. The clerk of the circuit court shall, upon the filing of such petition, issue process thereon, and the case shall be proceeded in, tried and determined in such court, regardless of the proceedings before the county commission, and in the same manner and in all respects as if the application for such probate had been originally made to the circuit court.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled:

Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 15th day of March, 1994.

Governor