WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1998

ENROLLED

House Bill No. 4311

(By Mr. Speaker, Mr. Kiss, and Delegates Jenkins,
Staton, Varnet, Trump and Dailer.)

Passed March 14, 1998

In Effect Ninety Days from Passage
AN ACT to amend and reenact section fourteen, article one, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the appraisement of a decedent's estate; and establishing a ninety-day time period for filing an appraisement of a decedent's estate.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article one, 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 1. PERSONAL REPRESENTATIVES.

§44-1-14. Appraisal of estates in triplicate; disposition; authority of appraisers to act throughout the state; hiring of experts.

1 The real and personal estate of every deceased person, or in which such deceased person had an interest at the time of his or her death, shall be appraised by the personal representative of such deceased person. Such personal
representative, after first taking an oath for the purpose, shall list and appraise at its real and actual value all the real estate and all the tangible property of every description owned by the deceased at the time of his or her death, including, but not limited to, all real estate and tangible property in which the decedent had an interest as joint tenant or otherwise or in which any beneficial interest passes to another person by reason of the death of such decedent whose estate is being so appraised and irrespective of whether such real estate or tangible property is subject to administration and located in each county or the counties, as the case may be. The personal representative shall also list and appraise at its real and actual value all of the decedent's intangible property of every description, including moneys, credits, investments, annuities, life insurance policies, (irrespective of whether such policies are payable to named beneficiaries or in trust or otherwise), judgments and decrees for moneys, notes, bonds, accounts and all other evidences of debt, whether owing to him or her by persons or corporations in or out of the state, and the number and value, including both the par value, if any, and the actual value, of any shares of capital stock owned by the decedent in any corporation, and every other item of intangible property of whatsoever nature or kind, including all intangible property in which the decedent had an interest as joint tenant or otherwise or in which any beneficial interest passes to another by reason of the death of such decedent, and irrespective of whether such intangible property is subject to administration and whether located in this state or elsewhere. Any real estate or interest therein so appraised shall be identified with particularity and description, shall identify the source of title in the decedent and the location of such realty for purposes of real property ad valorem taxation. In addition to all other information required by law, the appraisement shall contain and include a questionnaire designed and formulated by the tax commissioner which is designed for the purpose of examining the personal representative to determine that he or she has made a thorough and proper search and investigation as to the existence and value of each and every kind and species of property required to be
included within, and subject to appraisement by, the
provisions of this or any other section of this code, which
said questionnaire shall be completed and answered upon
the oath or adjuration of the personal representative or
fiduciary.

The appraisement, list and questionnaire aforesaid
shall be executed in triplicate and shall be signed by the
personal representative and be returned to the clerk of the
county commission by whom such personal representative
was appointed or to the fiduciary supervisor within ninety
days of the date of qualification of the personal
representative. Such clerk or supervisor shall inspect such
appraisement, list and questionnaire, see that the same are
in proper form, and that all property, if any, suggested by
the questionnaire is included within the appraisement. If
such appraisement, list and questionnaire are returned to a
fiduciary supervisor within ten days after they are received
and approved by him or her, such supervisor shall deliver
two copies of the same to the clerk of the county
commission. Upon receipt of the appraisement, list and
questionnaire, the clerk of the county commission shall
record the same, with the certificate of approval of the
supervisor, and mail one copy of the same to the tax
commissioner of West Virginia. The date of return of an
appraisement shall be entered by the clerk of the county
commission in his or her record of fiduciaries. Every
such appraisement and list shall be prima facie evidence of
the value of the property embraced therein, and that the
personal estate embraced therein which is subject to
administration came to the hands of the personal
representative. No person shall be permitted by any
means whatsoever to avoid the appraisement and listing of
his or her estate and of all property, real, tangible and
intangible, of whatsoever nature and kind, in which a
beneficial interest passes to another by reason of the death
of the decedent and irrespective of whether such property
is subject to administration as herein provided, nor shall
his or her personal representative be permitted to do so.
Any personal representative who fails, refuses or declines
to comply with the provisions of this section shall be
guilty of a misdemeanor and, upon conviction thereof,
shall be fined not less than twenty-five dollars nor more
than five hundred dollars.

Every personal representative shall have authority to
retain or hire the services of such expert or experts as may
be deemed appropriate to assist and advise him or her in
and about his or her duties in appropriately and accurately
appraising all or any part of the assets or property to be
appraised according to the provisions of this section.
Such expert or experts so retained or hired shall be
compensated a reasonable sum by the personal
representative from the assets coming into his or her hands
or of which he or she is embraced, which compensation
and the reasonableness thereof shall be subject to review
and approval by the county commission, upon
recommendation of the fiduciary supervisor.
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 ___ approved this the ___ day of ___ 1998.
PRESENTED TO THE
GOVERNOR
Date 3/31/98
Time 2:40 p.m.