

HB 2707

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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

House Bill No. 2707

(By Delegate Michael)



Passed March 13, 1999

In Effect Ninety Days from Passage

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STATE OF WEST VIRGINIA
SPECIAL SESSION

ENROLLED
H. B. 2707

(BY DELEGATE MICHAEL)

[Passed March 13, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty, article one, chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to prohibiting certain convicted felons from obtaining the victim's share in joint property through survivorship.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. CREATION OF ESTATES GENERALLY.

§36-1-20. When survivorship preserved.

- 1 (a) The preceding section shall not apply to any estate
- 2 which joint tenants have as executors or trustees, nor to an
- 3 estate conveyed or devised to persons in their own right, when
- 4 it manifestly appears from the tenor of the instrument that it
- 5 was intended that the part of the one dying should then belong
- 6 to the others. Neither shall it affect the mode of proceeding on
- 7 any joint judgment or decree in favor of, or on any contract
- 8 with, two or more, one of whom dies.

9 (b) When the instrument of conveyance or ownership in any
10 estate, whether real estate or tangible or intangible personal
11 property, links multiple owners together with the disjunctive
12 “or,” such ownership shall be held as joint tenants with the right
13 of survivorship, unless expressly stated otherwise.

14 (c) No person convicted of violating the provisions of
15 section one or three, article two, chapter sixty-one of this code
16 as a principal aider and abettor or accessory before the fact, or
17 convicted of a similar provision of law of another state or the
18 United States, may take or acquire any real or personal property
19 by survivorship pursuant to this section when the victim of the
20 criminal offense was a joint holder of title to the property. The
21 property to which the person so convicted would otherwise
22 have been entitled shall go to the person or persons who would
23 have taken the same if the person so convicted had predeceased
24 the victim.

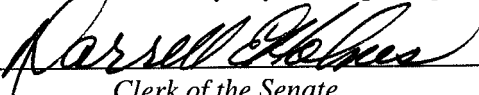
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

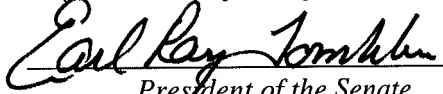

Chairman House Committee

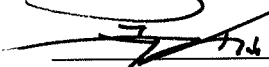
Originating in the House.

Takes effect ninety days from passage.

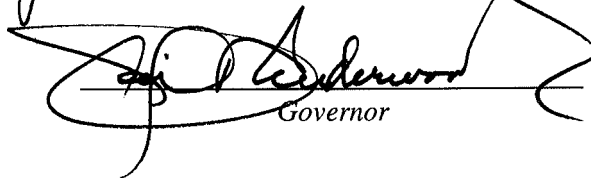

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 2nd
day of April, 1999.


Governor

PRESENTED TO THE

GOVERNOR

Date

3/30/99

Time

3:48 pm