WEST VIRGINIA LEGISLATURE
Regular Session, 2001

ENROLLED

SENATE BILL NO. 540

(By Senator Wooton)

PASSED April 13, 2001

In Effect 90 days from Passage
ENROLLED
Senate Bill No. 546

(By Senator Wooton)

[Passed April 13, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article two, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring claims against estates of decedents to be verified by affidavits.

Be it enacted by the Legislature of West Virginia:

That section five, article two, 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 2. PROOF AND ALLOWANCE OF CLAIMS AGAINST ESTATES OF DECEDEENTS.

§44-2-5. Claims to be proved by vouchers and affidavits in first instance.

1 Every claim against the estate of a decedent shall be itemized, verified by affidavit, accompanied by proper vouchers and shall state the character of the claim, whether open account, note, bond, bill, writing obligatory,
judgment, decree or other evidence of debt and the amount
thereof and from what date and on what items interest
runs and at what percent per annum and stating further
that the claim is just and true and that the creditor, or any
prior owner of the claim, if there was one, has not received
any part of the money stated to be due or any security or
satisfaction for the same, except what is credited. The
voucher for a judgment or decree shall be an abstract
thereof; for a specialty, bond, note, bill of exchange,
writing obligatory or other instrument, shall be the
instrument itself, or a true copy thereof, or proof of the
same in case the instrument be lost; and for an open
account, an itemized copy of the account. This section
does not apply to taxes.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

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 1st Day of May, 2001.

Governor