WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

SENATE BILL NO. __40____

(By Senators Jenkins and Plymale )

PASSED __April 9, 2005____

In Effect 90 days from Passage
ENROLLED

Senate Bill No. 40

(BY SENATORS JENKINS AND PLYMALE)

[Passed April 9, 2005; in effect ninety days from passage.]

AN ACT to amend and reenact §11A-3-20 of the Code of West Virginia, 1931, as amended, relating to a sheriff's tax on sale of real estate erroneously assessed or nonexistent; and modifying the method for a purchaser to recover the purchase money.

Be it enacted by the Legislature of West Virginia:

That §11A-3-20 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. SALE OF TAX LIENS AND NONENTERED, ESCHATED AND WASTE AND UNAPPROPRIATED LANDS.

§11A-3-20. Refund to purchaser of payment made at sheriff's sale where property is subject of an erroneous assessment or is otherwise nonexistent.

1 If, by the thirty-first day of December of the year following payment of the amount bid at a sheriff’s sale, the purchaser discovers that the lien purchased at that sale is
the subject of an erroneous assessment or is otherwise nonexistent, the purchaser shall submit the abstract or certificate of an attorney at law that the property is the subject of an erroneous assessment or is otherwise nonexistent. Upon receipt of the abstract or certificate, the sheriff shall cause the moneys so paid to be refunded. Upon refund, the sheriff shall inform the assessor of the erroneous assessment for the purpose of having the assessor correct the error. For failure to meet this requirement, the purchaser shall lose all benefits of his or her purchase.
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 Day of April, 2005.

Governor
PRESENTED TO THE GOVERNOR

APR 27 2005

Time 2:00