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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4486**

(By Delegates Frazier, Moore, Ellem and Hunt)



Passed March 13, 2010

In Effect Ninety Days From Passage

HB 4486

E N R O L L E D

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COMMITTEE SUBSTITUTE

FOR

H. B. 4486

(BY DELEGATES FRAZIER, MOORE, ELLEM AND HUNT)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §11A-3-52 and §11A-3-55 of the Code of West Virginia, 1931, as amended, all relating to the procedures, notice and redemption requirements which apply when Class II real property is auctioned or sold for failure to pay taxes; requiring the purchaser of real property at a tax lien sale or auction to provide the actual mailing address for the Class II property as a part of the post-sale or post-auction information provided to the deputy commissioner; and requiring that a copy of the notice of the right to redeem the property be sent to the actual mailing address of the Class II property, in the name of "Occupant".

Be it enacted by the Legislature of West Virginia:

That §11A-3-52 and 11A-3-55 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,
ESCHEATED AND WASTE AND
UNAPPROPRIATED LANDS.**

§11A-3-52. What purchaser must do before he can secure a deed.

1 (a) Within forty-five days following the approval of the
2 sale by the auditor pursuant to section fifty-one of this article,
3 the purchaser, his heirs or assigns, in order to secure a deed
4 for the real estate purchased, shall:

5 (1) Prepare a list of those to be served with notice to
6 redeem and request the deputy commissioner to prepare and
7 serve the notice as provided in sections fifty-four and
8 fifty-five of this article;

9 (2) When the real property subject to the tax lien was
10 classified as Class II property, provide the deputy
11 commissioner with the actual mailing address of the property
12 that is subject to the tax lien or liens purchased; and,

13 (3) Deposit, or offer to deposit, with the deputy
14 commissioner a sum sufficient to cover the costs of preparing
15 and serving the notice.

16 (b) If the purchaser fails to fulfill the requirements set
17 forth in paragraph (a) of this section, the purchaser shall lose
18 all the benefits of his or her purchase.

19 (c) After the requirements of paragraph (a) of this section
20 have been satisfied, the deputy commissioner may then sell
21 the property in the same manner as he sells lands which have
22 been offered for sale at public auction but which remain
23 unsold after such auction, as provided in section forty-eight
24 of this article.

25 (d) If the person requesting preparation and service of the
26 notice is an assignee of the purchaser, he shall, at the time of
27 the request, file with the deputy commissioner a written

28 assignment to him of the purchaser's rights, executed,
29 acknowledged and certified in the manner required to make
30 a valid deed.

§11A-3-55. Service of notice.

1 As soon as the deputy commissioner has prepared the
2 notice provided for in section fifty-four of this article, he
3 shall cause it to be served upon all persons named on the list
4 generated by the purchaser pursuant to the provisions of
5 section fifty-two of this article. Such notice shall be mailed
6 and, if necessary, published at least thirty days prior to the
7 first day a deed may be issued following the deputy
8 commissioner's sale.

9 The notice shall be served upon all such persons residing
10 or found in the state in the manner provided for serving
11 process commencing a civil action or by certified mail, return
12 receipt requested. The notice shall be served on or before the
13 thirtieth day following the request for such notice.

14 If any person entitled to notice is a nonresident of this
15 state, whose address is known to the purchaser, he shall be
16 served at such address by certified mail, return receipt
17 requested.

18 If the address of any person entitled to notice, whether a
19 resident or nonresident of this state, is unknown to the
20 purchaser and cannot be discovered by due diligence on the
21 part of the purchaser, the notice shall be served by
22 publication as a Class III-0 legal advertisement in compliance
23 with the provisions of article three, chapter fifty-nine of this
24 code, and the publication area for such publication shall be
25 the county in which such real estate is located. If service by
26 publication is necessary, publication shall be commenced
27 when personal service is required as set forth above, and a

28 copy of the notice shall at the same time be sent by certified
29 mail, return receipt requested, to the last known address of
30 the person to be served. The return of service of such notice,
31 and the affidavit of publication, if any, shall be in the manner
32 provided for process generally and shall be filed and
33 preserved by the auditor in his office, together with any
34 return receipts for notices sent by certified mail.

35 In addition to the other notice requirements set forth in
36 this section, if the real property subject to the tax lien was
37 classified as Class II property at the time of the assessment,
38 at the same time the deputy commissioner issues the required
39 notices by certified mail, the deputy commissioner shall
40 forward a copy of the notice sent to the delinquent taxpayer
41 by first class mail, addressed to "Occupant", to the physical
42 mailing address for the subject property. The physical
43 mailing address for the subject property shall be supplied by
44 the purchaser of the property, pursuant to the provisions of
45 section fifty-two of this article.

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



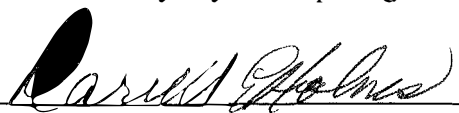
Chairman Senate Committee



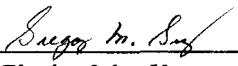
Chairman House Committee

Originating in the House.

In effect ninety days from passage.



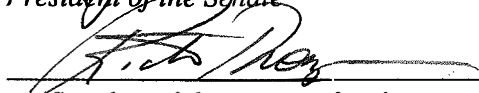
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 2nd
day of April, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 31 2010

Time 3:50 p