

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled
Committee Substitute
for
Senate Bill 483

BY SENATOR WELD

[Passed April 7, 2021; in effect 90 days from passage

(July 6, 2021)]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2021 APR 19 P 4: 48

FILED

SB 483

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1 AN ACT to amend and reenact §44-1-1, §44-1-3, and §44-1-6 of the Code of West Virginia, 1931,
2 as amended; and to amend said code by adding thereto a new section, designated §44-
3 1-31, all relating to allowing an oath to be taken before any person authorized to administer
4 oaths under the laws of this state or any other state; and allowing a bond to be executed
5 before any person authorized to administer oaths under the law of this state or any other
6 state.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. PERSONAL REPRESENTATIVES.

§44-1-1. Executor has no powers before qualifying.

1 A person appointed to be the executor of a will shall not have the powers of executor until
2 he or she qualifies by taking an oath and giving bond, unless not required to post bond by §44-1-
3 8 of this code, which shall then be admitted to the records of the clerk of the county in which the
4 will, or an authenticated copy thereof, is admitted to record, except that he or she may provide for
5 the burial of the testator, pay reasonable funeral expenses, and preserve the estate from waste.

§44-1-3. Oath of executor or administrator with will annexed.

1 The oath of an executor, or of an administrator with the will annexed, shall be in
2 substantially the following form: The writing admitted to record contains the true last will and
3 testament of the deceased, as far as he or she knows or believes, and that he or she will faithfully
4 perform the duties of his or her office to the best of his or her skill and judgment.

§44-1-6. Bond and oath; termination of grant in certain cases.

1 At the time of the grant of administration upon the estate of any intestate, the person to
2 whom it is granted shall, in the county commission or before the clerk granting it, give bond, unless
3 not required to post bond by §44-1-8 of this code, and take an oath in substantially the following
4 form: The deceased has left no will so far as he or she knows, and that he or she will faithfully
5 perform the duties of the office to the best of his or her judgment. If a will of the deceased be
6 afterwards admitted to record, or if, after administration is granted to a creditor or other person

7 than a distributee, any distributee who shall not have before refused shall apply for administration,
8 there may be a grant of probate or administration, after reasonable notice to such creditor or other
9 person theretofore appointed, in like manner as if the former grant had not been made, and such
10 former grant shall thereupon cease.

§44-1-31. Administration of oath; execution of bond.

1 An oath required in this chapter may be taken before any person authorized to administer
2 oaths under the laws of this state or any other state. A bond may be executed, if not in person
3 before the county clerk, before any person authorized to administer oaths under the laws of this
4 state or any other state.

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

Matt Hayward
.....
Chairman, Senate Committee

Deane Jappani
.....
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2021 APR 19 P 4: 48

FILED

Jee Linn
.....
Clerk of the Senate

Steve Harris
.....
Clerk of the House of Delegates

C. P. Bl...
.....
President of the Senate

Ray Henshaw
.....
Speaker of the House of Delegates

The within *is approved* this the *19th*
Day of *April* 2021.

James Justice
.....
Governor

PRESENTED TO THE GOVERNOR

APR 13 2021

Time
PRESENTED TO THE GOVERNOR

APR 13 2021

Time 2:16 pm