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H. B. 4588

(By Delegates Iaquinta, Miley, Talbott, Crosier, Skaff, Walters, Evans, Perry, Frazier and Fragale)

[Introduced February 17, 2012; referred to the Committee on the Judiciary.]

A BILL to amend and reenact §50-2-1 of the Code of West Virginia, 1931, as amended, relating to the jurisdiction of magistrate courts; and increasing the jurisdictional amount in controversy from \$5,000 to \$12,000.

Be it enacted by the Legislature of West Virginia:

That §50-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. JURISDICTION AND AUTHORITY.

§50-2-1. Civil jurisdiction.

Except as limited herein and in addition to jurisdiction granted elsewhere to magistrate courts, such courts shall have jurisdiction of all civil actions wherein the value or amount in controversy or the value of property sought, exclusive of interest and cost, is not more than ~~\$5,000~~ \$12,000. Magistrate courts shall have jurisdiction of all matters involving unlawful entry or detainer of real property or involving wrongful occupation of

1 residential rental property, so long as the title to such property
2 is not in dispute. Except as the same may be in conflict with the
3 provisions of this chapter, the provisions of article three,
4 chapter fifty-five of this code, regarding unlawful entry and
5 detainer, shall apply to such actions in magistrate court.
6 Magistrate courts shall have jurisdiction of actions on bonds given
7 pursuant to the provisions of this chapter. Magistrate courts
8 shall have continuing jurisdiction to entertain motions in regard
9 to post-judgment process issued from magistrate court and decisions
10 thereon may be appealed in the same manner as judgments.

11 Magistrate courts shall not have jurisdiction of actions in
12 equity, of matters in eminent domain, of matters in which the title
13 to real estate is in issue, of proceedings seeking satisfaction of
14 liens through the sale of real estate, of actions for false
15 imprisonment, of actions for malicious prosecution or of actions
16 for slander or libel or of any of the extraordinary remedies set
17 forth in chapter fifty-three of this code.

18 Magistrates, magistrate court clerks, magistrate court deputy
19 clerks, and magistrate assistants shall have the authority to
20 administer any oath or affirmation, to take any affidavit or
21 deposition, unless otherwise expressly provided by law, and to
22 take, under such regulations as are prescribed by law, the
23 acknowledgment of deeds and other writings.

NOTE: The purpose of this bill is to increase the jurisdictional amount in controversy in Magistrate Courts from \$5,000 to \$12,000

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.