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H. B. 2985

(By Delegate Canterbury (By Request))
[Introduced March 19, 2013; referred to the
Committee on the Judiciary.]

10 A BILL to amend and reenact §55-2-1 of the Code of West Virginia,
11 1931, as amended, relating to authorizing attorney fees and
12 costs to the prevailing party in a court case in which adverse
13 possession is asserted in either support of a claim or of a
14 defense.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §55-2-1 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.**

19 **§55-2-1. Entry upon or recovery of lands; attorney fees.**

20 (a) No person shall make an entry on, or bring an action to
21 recover, any land, but within ten years next after the time at
22 which the right to make such entry or to bring such action shall

1 have first accrued to himself or herself or to some person through
2 whom he or she claims.

3 (b) A court shall make a reasonable award of attorney fees and
4 costs to the prevailing party in a matter in which adverse
5 possession is asserted in either support of a claim or of a
6 defense.

NOTE: The purpose of this bill is to provide for an award of attorney fees and costs in a court case in which adverse possession is asserted in either support of a claim or of a defense.

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