

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 343

BY SENATOR SYPOLT

[Introduced January 23, 2018; Referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §11A-3-58 of the Code of West Virginia, 1931, as amended, relating
2 to limiting expenses incurred in preparing notice to redeem, including title examination, to
3 \$500.

Be it enacted by the Legislature of West Virginia:

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

§11A-3-58. Distribution to purchaser.

1 (a) Where the land has been redeemed in the manner set forth in §11A-3-56 of this code,
2 and the deputy commissioner has delivered the redemption money to the sheriff pursuant to
3 §11A-3-57 of this code, the sheriff shall, upon delivery of the sum necessary to redeem, promptly
4 notify the purchaser, his or her heirs or assigns, by mail, of the redemption and pay to the
5 purchaser, his or her heirs or assigns, the following amounts: (1) The amount paid to the deputy
6 commissioner at the sale; (2) all other taxes thereon, which have since been paid by the
7 purchaser, his or her heirs or assigns, with interest at the rate of one percent per month from the
8 date of payment; (3) such additional expenses as may have been incurred in preparing the list of
9 those to be served with notice to redeem, and any title examination incident thereto, with interest
10 at the rate of one percent per month from the date of payment, but the amount which shall be
11 paid, excluding said interest, for such expenses incurred for the preparation of the list of those to
12 be served with notice to redeem required by §11A-3-52 of this code, and any title examination
13 incident thereto, shall not exceed ~~\$200~~ \$500; and (4) all additional statutory costs paid by the
14 purchaser.

15 (b) (1) The notice shall include:

16 (A) A copy of the redemption certificate issued by the deputy commissioner;

17 (B) An itemized statement of the redemption money to which the purchaser is entitled
18 pursuant to the provisions of this section; and

19 (C) Where, at the time of the redemption, the deputy commissioner has not received from
20 the purchaser satisfactory proof of the expenses incurred in preparing the list of those to be served
21 with notice to redeem and any title examination incident thereto, the deputy commissioner shall
22 also include instructions to the purchaser as to how these expenses may be claimed.

23 (2) Subject to the limitations of this section, the purchaser is entitled to recover any
24 expenses incurred in preparing the list of those to be served with notice to redeem and any title
25 examination incident thereto from the date of the sale to the date of the redemption.

26 (c) Where, pursuant to §11A-3-56 of this code, the deputy commissioner has not received
27 from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem,
28 and any title examination incident thereto, in the form of receipts or other evidence thereof, and
29 therefore received from the purchaser as required by §11A-3-56 and delivered to the sheriff the
30 sum of ~~\$200~~ \$500, plus interest thereon at the rate of one percent per month from the date of the
31 sale to the date of redemption, and the sheriff has not received from the purchaser such
32 satisfactory proof of such expenses within 30 days from the date of notification, the sheriff shall
33 refund such amount to the person redeeming and the purchaser is barred from any claim thereto.
34 Where, pursuant to §11A-3-56 of this code, the deputy commissioner has received from the
35 purchaser and therefore delivered to the sheriff said sum of ~~\$200~~ \$500, plus interest thereon at
36 the rate of one percent per month from the date of the sale to the date of redemption, and the
37 purchaser provides the sheriff within 30 days from the date of notification such satisfactory proof
38 of such expenses, and the amount of such expenses is less than the amount paid by the person
39 redeeming, the sheriff shall refund the difference to the person redeeming.

NOTE: The purpose of this bill is to limit expenses in preparing list for notice to redeem,
including title examination, to \$500.

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