

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Enrolled**

**Senate Bill 343**

BY SENATOR SYPOLT

[Passed March 5, 2018; in effect 90 days from passage]



1 AN ACT to amend and reenact §11A-3-58 of the Code of West Virginia, 1931, as amended,  
2 relating to distributions to purchasers after land has been redeemed; and increasing the  
3 amount of expenses that may be paid to a purchaser for expenses incurred in preparing  
4 the list of those to be served with notice to redeem and title examination to \$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 \$500; and (4) all additional statutory costs paid by the purchaser.

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

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

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

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

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

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

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

.....  
*Chairman, Senate Committee*

.....  
*Chairman, House Committee*

Originated in the Senate.

In effect 90 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 ..... this the.....  
Day of ....., 2018.

.....  
*Governor*