

H. B. 3187

(By Delegate Howell)

[Introduced February 18, 2011; referred to the Committee on Finance.]

10 A BILL to enact and reenact §11A-3-22 of the Code of West Virginia,
11 1931, as amended, relating to service of a notice to redeem to
12 the delinquent taxpayer after a property has been sold for
13 delinquent taxes.

14 Be it enacted by the Legislature of Est Virginia,

15 That §11A-3-22 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

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

19 §11A-3-22 Service of notice

20 (a) As soon as the State Auditor has prepared the notice
21 provided in section twenty-one of this article, he or she shall
22 cause it to be served upon all persons named on the list generated
23 by the purchaser pursuant to the provisions of section nineteen of

1 this article.

2 (b) The notice shall be served upon all persons residing or
3 found in the state in the manner provided for serving process
4 commencing a civil action or by certified mail, return receipt
5 requested. The notice shall be served on or before the thirtieth
6 day following the request for the notice.

7 (c) If any person entitled to notice is a nonresident of this
8 state whose address is known to the purchaser, he or she shall be
9 served at that address by certified mail, return receipt requested.

10 (d) If the address of any a person entitled to notice, whether
11 a resident or nonresident of this state, is unknown to the
12 purchaser and cannot be discovered by due diligence on the part of
13 the purchaser, the notice shall be served by publication as a Class
14 III-0 legal advertisement in compliance with the provisions of
15 article three, chapter fifty-nine of this code and the publication
16 area for the publication ~~shall be~~ is the county in which the real
17 estate is located. If service by publication is necessary,
18 publication shall be commenced when personal service is required as
19 set forth in this section and a copy of the notice shall, at the
20 same time, be sent by certified mail, return receipt requested, to
21 the last known address of the person to be served. The return of
22 service of the notice and the affidavit of publication, if any,
23 shall be in the manner provided for process generally and shall be
24 filed and preserved by the State Auditor in his or her office,

1 together with any return receipts for notices sent by certified
2 mail.

3 In addition to the other notice requirements set forth in this
4 section, if the real property subject to the tax lien was
5 classified as Class II property at the time of the assessment, then
6 at the same time the State Auditor issues the required notices by
7 certified mail, the State Auditor shall forward a copy of the
8 notice sent to the delinquent taxpayer by first class mail,
9 addressed to "Occupant", to the ~~physical~~ mailing address for the
10 subject property. The ~~physical~~ mailing address for the subject
11 property shall be supplied by the purchaser of the tax lien
12 pursuant to the provisions of section nineteen of this article.

NOTE: The purpose of this bill is to clarify the notice and service requirements for a notice to redeem to be provided to the delinquent taxpayer at the mailing address for the subject property after a property has been sold for delinquent taxes.

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