

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2987**

BY DELEGATE SKAFF

[Introduced March 08, 2021; Referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §11A-3-22a, relating to allowing the purchaser to perform service on one or  
3 more persons entitled to notice of redemption from a sheriff sale; providing how notice  
4 may be made; allowing the purchaser to provide notice in certain circumstances; and  
5 establishing conditions and requirements for purchasers to accomplish notice pursuant to  
6 this section.

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

## **ARTICLE 2. DELINQUENCY AND METHODS OF ENFORCING PAYMENT.**

### **§11A-3-22a. Service of notice; option for accomplishing service by purchaser or purchaser's agent**

1 (a) Any purchaser, his or her heirs, assigns or agents, having complied with the  
2 requirements of §11A-3-19 (a) of this code may take actions directed toward accomplishing  
3 service of the notice to redeem to any person or persons entitled thereto contemporaneous with  
4 the actions taken by the State Auditor pursuant to the provisions of §11A-3-22 of this code. Upon  
5 the request of any purchaser, or his or her heirs or assigns, made within 30 days of the original  
6 service of the notice provided in §11A-3-22 (a) of this code, the State Auditor shall tender to the  
7 requestor a duplicate original of the notice or duplicate originals thereof as required.

8 (b) A purchaser or his or her agent may cause the notice to be served upon any selected  
9 person or persons residing or found in the state from the list generated by the purchaser pursuant  
10 to the provisions of §11A-3-19 of this code in any manner provided for serving process  
11 commencing a civil action pursuant to the West Virginia Rules of Civil Procedure or by other types  
12 of delivery service courier that provide a receipt.

13 (c) A purchaser may cause the notice to be served upon any selected person or persons  
14 not residing or found in the state from the list generated by the purchaser pursuant to the  
15 provisions of §11A-3-19 of this code in any manner provided for serving process commencing a  
16 civil action in the pertinent jurisdiction or by other types of delivery service courier that provide a

17 receipt.

18 (d) In addition to the other methods for the service of the notice by the State Auditor set  
19 forth in §11A-3-22 of this code, a purchaser or his or her agent may cause a copy of the notice to  
20 be served upon any "Occupant" or "Resident" found at the physical mailing address for the subject  
21 property in any manner provided for serving process commencing a civil action.

22 (e) A purchaser accomplishing service of a notice pursuant to this section who intends to  
23 rely upon such service for the issuance and delivery of a deed pursuant to §11A-3-27 of this code  
24 shall tender for filing with the State Auditor an affidavit or other satisfactory evidence of the service  
25 on or before March 15 of the second year following the sheriff sale.

NOTE: The purpose of this bill is to allow a purchaser of a tax sale to perform service on one or more persons entitled to notice of redemption; providing how notice may be made; allowing the purchaser to provide notice in certain circumstances; and establishing conditions and requirements for purchasers to accomplish notice pursuant to this section.

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