

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 483

BY SENATOR WELD

[Passed April 7, 2021; in effect 90 days from passage

(July 6, 2021)]

1 AN ACT to amend and reenact §44-1-1, §44-1-3, and §44-1-6 of the Code of West Virginia, 1931,
2 as amended; and to amend said code by adding thereto a new section, designated §44-
3 1-31, all relating to allowing an oath to be taken before any person authorized to administer
4 oaths under the laws of this state or any other state; and allowing a bond to be executed
5 before any person authorized to administer oaths under the law of this state or any other
6 state.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. PERSONAL REPRESENTATIVES.

§44-1-1. Executor has no powers before qualifying.

1 A person appointed to be the executor of a will shall not have the powers of executor until
2 he or she qualifies by taking an oath and giving bond, unless not required to post bond by §44-1-
3 8 of this code, which shall then be admitted to the records of the clerk of the county in which the
4 will, or an authenticated copy thereof, is admitted to record, except that he or she may provide for
5 the burial of the testator, pay reasonable funeral expenses, and preserve the estate from waste.

§44-1-3. Oath of executor or administrator with will annexed.

1 The oath of an executor, or of an administrator with the will annexed, shall be in
2 substantially the following form: The writing admitted to record contains the true last will and
3 testament of the deceased, as far as he or she knows or believes, and that he or she will faithfully
4 perform the duties of his or her office to the best of his or her skill and judgment.

§44-1-6. Bond and oath; termination of grant in certain cases.

1 At the time of the grant of administration upon the estate of any intestate, the person to
2 whom it is granted shall, in the county commission or before the clerk granting it, give bond, unless
3 not required to post bond by §44-1-8 of this code, and take an oath in substantially the following
4 form: The deceased has left no will so far as he or she knows, and that he or she will faithfully
5 perform the duties of the office to the best of his or her judgment. If a will of the deceased be
6 afterwards admitted to record, or if, after administration is granted to a creditor or other person

7 than a distributee, any distributee who shall not have before refused shall apply for administration,
8 there may be a grant of probate or administration, after reasonable notice to such creditor or other
9 person theretofore appointed, in like manner as if the former grant had not been made, and such
10 former grant shall thereupon cease.

§44-1-31. Administration of oath; execution of bond.

1 An oath required in this chapter may be taken before any person authorized to administer
2 oaths under the laws of this state or any other state. A bond may be executed, if not in person
3 before the county clerk, before any person authorized to administer oaths under the laws of this
4 state or any other state.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2021.

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Governor