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2001 MAY -2 A 11:18

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2001*



**ENROLLED**

**SENATE BILL NO.** 546

**(By Senator** Wooten **)**



**PASSED** April 13, 2001

**In Effect** 90 days from **Passage**

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

**Senate Bill No. 546**

(BY SENATOR WOOTON)

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[Passed April 13, 2001; in effect ninety days from passage.]

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AN ACT to amend and reenact section five, article two, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring claims against estates of decedents to be verified by affidavits.

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

That section five, article two, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. PROOF AND ALLOWANCE OF CLAIMS AGAINST ESTATES OF DECEDENTS.**

**§44-2-5. Claims to be proved by vouchers and affidavits in first instance.**

- 1 Every claim against the estate of a decedent shall be
- 2 itemized, verified by affidavit, accompanied by proper
- 3 vouchers and shall state the character of the claim,
- 4 whether open account, note, bond, bill, writing obligatory,

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Enr. S. B. No. 546]

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5 judgment, decree or other evidence of debt and the amount  
6 thereof and from what date and on what items interest  
7 runs and at what percent per annum and stating further  
8 that the claim is just and true and that the creditor, or any  
9 prior owner of the claim, if there was one, has not received  
10 any part of the money stated to be due or any security or  
11 satisfaction for the same, except what is credited. The  
12 voucher for a judgment or decree shall be an abstract  
13 thereof; for a specialty, bond, note, bill of exchange,  
14 writing obligatory or other instrument, shall be the  
15 instrument itself, or a true copy thereof, or proof of the  
16 same in case the instrument be lost; and for an open  
17 account, an itemized copy of the account. This section  
18 does not apply to taxes.

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

*Carly Olson*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Daniel K. Mahoney*  
.....  
Clerk of the Senate

*Bryan D. Boy*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within is approved this the 1st

Day of May, 2001.

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

4/30/61

Time

2:55 pm