

**FILED**  
2003 MAR 27 P 4: 08  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# **WEST VIRGINIA LEGISLATURE**

FIRST REGULAR SESSION, 2003



# **ENROLLED**

## **House Bill No. 3062**

(By Delegate Michael)



Passed March 8, 2003

In Effect Ninety Days from Passage

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**E N R O L L E D**

**H. B. 3062**

(BY DELEGATE MICHAEL)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article four, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to partition of real estate; and authorizing partition of real estate owned by certain close corporations.

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

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

**ARTICLE 4. PARTITION.**

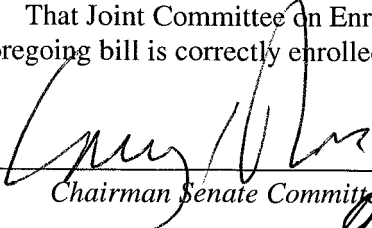
**§37-4-1. Who entitled to partition; jurisdiction; state as party plaintiff.**

1 Tenants in common, joint tenants and coparceners of real  
2 property, including minerals, lessees of mineral rights other  
3 than lessees of oil and gas minerals and stockholders of a  
4 closely held corporation when there are no more than five

5 stockholders and the only substantial asset of the corporation is  
6 real estate, shall be compelled to make partition, and the circuit  
7 court of the county wherein the land or estate, or any part  
8 thereof, may be, has jurisdiction, in cases of partition, and in the  
9 exercise of that jurisdiction, may take cognizance of all  
10 questions of law affecting the legal title, that may arise in any  
11 proceedings.

12 The state hereafter shall, whenever it is an owner of an  
13 undivided interest in any land or real estate, together with other  
14 persons, become a party plaintiff in any proceedings by any  
15 person entitled to demand partition under the first sentence of  
16 this section. Before instituting suit for partition the person  
17 entitled to demand it shall notify the proper official who has  
18 supervision of the state land and thereafter they shall proceed  
19 as they determine best. In all cases resulting in partition or sale  
20 the costs of suit shall come from the proceeds of sale. No state  
21 official in charge of state lands may refuse to perform his duty  
22 in any case where any person is entitled to demand a partition,  
23 or sale under this article.

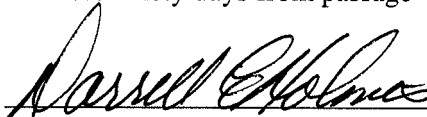
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

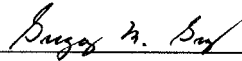
  
\_\_\_\_\_  
Chairman Senate Committee

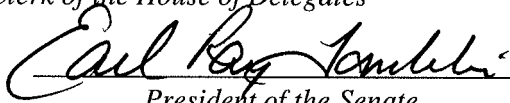
  
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Chairman House Committee


Originating in the House.

In effect ninety days from passage

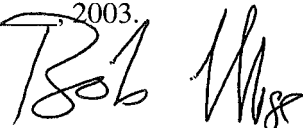
  
\_\_\_\_\_  
Clerk of the Senate

  
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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

The within is approved this the 27<sup>th</sup>  
day of March 2003.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/20/03

Time 4:55pm