

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4761

FISCAL
NOTE

BY DELEGATE PORTERFIELD

[Introduced February 10, 2020; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §11A-4-4 of the Code of West Virginia, 1931, as amended, relating
 2 to reducing to one year the deadline for right to set aside deed when one entitled to notice
 3 of tax sale was not notified.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. REMEDIES RELATING TO TAX SALES.

§11A-4-4. Right to set aside deed when one entitled to notice not notified.

1 (a) If any person entitled to be notified under the provisions of §11A-3-22 or §11A-3-55 of
 2 this code is not served with the notice as therein required, and does not have actual knowledge
 3 that such notice has been given to others in time to protect his or her interests by redeeming the
 4 property, he or she, his or her heirs and assigns, may, before the expiration of ~~three years~~ one
 5 year following the delivery of the deed, institute a civil action to set aside the deed. No deed shall
 6 be set aside under the provisions of this section until payment has been made or tendered to the
 7 purchaser, or his or her heirs or assigns, of the amount which would have been required for
 8 redemption, together with any taxes which have been paid on the property since delivery of the
 9 deed, with interest at the rate of 12 percent per annum.

10 (b) No title acquired pursuant to this article shall be set aside in the absence of a showing
 11 by clear and convincing evidence that the person who originally acquired such title failed to
 12 exercise reasonably diligent efforts to provide notice of his or her intention to acquire such title to
 13 the complaining party or his or her predecessors in title.

14 (c) Upon a preliminary finding by the court that the deed will be set aside pursuant to this
 15 section, such amounts shall be paid within one month of the entry thereof. Upon the failure to pay
 16 the same within said period of time, the court shall upon the request of the purchaser, enter
 17 judgment dismissing the action with prejudice.

NOTE: The purpose of this bill is to reduce from three years to one year the period allowed to set aside a deed when one entitled to notice in a tax sale was not notified.

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