

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

## **Senate Bill 192**

BY SENATORS TRUMP AND OLIVERIO

[Introduced January 13, 2023; referred  
to the Committee on the Judiciary]



1 A BILL to amend and reenact §36-12-11 of the Code of West Virginia, 1931, as amended, relating  
2 to the Uniform Real Property Transfer on Death Act; and when revocation of a transfer is  
3 permitted.

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

**ARTICLE 12. UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT.**

**§36-12-11. Revocation by instrument authorized; revocation by act not permitted.**

1 (a) Subject to subsection (b) of this section, an instrument is effective to revoke a recorded  
2 transfer on death deed, or any part of it, only if the instrument:

3 (1) Is one of the following:

4 (A) A transfer on death deed that revokes the deed or part of the deed expressly or by  
5 inconsistency;

6 (B) An instrument of revocation that expressly revokes the deed or part of the deed; or

7 (C) ~~An inter vivos deed that expressly revokes the transfer on death deed or part of the~~  
8 deed As to property that was described in a transfer on death deed made by a transferor and  
9 previously recorded, an inter vivos deed made by the same transferor that conveys the same real  
10 estate, or part thereof, whether or not the inter vivos deed expressly revokes the transfer on death  
11 deed, or part of the deed; and

12 (2) Is acknowledged by the transferor after the acknowledgment of the deed being revoked  
13 and recorded before the transferor's death in the public records in the office of the clerk of the  
14 county commission of the county where the deed is recorded.

15 (b) If a transfer on death deed is made by more than one transferor, ~~(1) Revocation~~  
16 revocation by a transferor does not affect the deed as to the interest of another transferor; and  
17 ~~(2)~~ a deed of joint owners is revoked only if it is revoked by all of the living joint owners.

18 (c) After a transfer on death deed is recorded it may not be revoked by a revocatory act  
19 on the deed.

20 (d) This section does not limit the effect of an inter vivos transfer of the property.