

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 277

By Senator Rucker

[Introduced January 11, 2024; referred to
the Committee on Government Organization]

1 A BILL to amend and reenact §11A-3-2 of the Code of West Virginia, 1931, as amended, relating
 2 to requiring the sheriff to send notices to the owners of record and to each resident or
 3 occupant of real property prior to selling the property for which property taxes have not
 4 been paid.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3. SALE OF TAX LIENS AND NONENTERED, ESCHEATED AND WASTE
 AND UNAPPROPRIATED LANDS.**

§11A-3-2. Second publication of list of delinquent real estate; notice.

1 (a) On or before the September 10 of each year, the sheriff shall prepare a second list of
 2 delinquent lands, which shall include all real estate in his or her county remaining delinquent as of
 3 the first day of September, together with a notice of sale, in form or effect as follows:

4 Notice is hereby given that the following described tracts or lots of land or undivided
 5 interests therein in the County of _____ and the tax liens that encumber the same
 6 which are delinquent for the nonpayment of taxes for the year (or years) 20_____, will be
 7 certified to the Auditor for disposition pursuant to West Virginia Code §11A-3-44 on the 31st day of
 8 October, 20_____.

9 Upon certification to the Auditor, tax liens on each unredeemed tract or lot, or each
 10 unredeemed part thereof or undivided interest therein, shall be sold at public auction to the highest
 11 bidder in an amount which shall not be less than the taxes, interest, and charges which shall be
 12 due thereon to the date of sale, as set forth in the following table:

Name of person charged with taxes	Quantity of land	Local description	Total amount of taxes, interest, and charges due to date of sale

13
 14 If any of said tracts or lots remain unsold following the auction, they shall be subject to sale

15 by the Auditor without additional advertising or public auction, such terms as the Auditor deems
16 appropriate pursuant to §11A-3-48 of this code.

17 Any of the aforesaid tracts or lots, or part thereof or an undivided interest therein, may be
18 redeemed by the payment to the undersigned sheriff (or collector) before certification to the
19 Auditor, of the total amount of taxes, interest, and charges due thereon up to the date of
20 redemption by credit card, cashier’s check, money order, certified check, or United States
21 currency. Payment must be received in the tax office by the close of business on the last business
22 day prior to the certification.

23 After certification to the Auditor, any of the aforesaid tracts or lots may be redeemed by any
24 person entitled to pay the taxes thereon, the owner of the same whose interest is not subject to
25 separate assessment, or any person having a lien on the same, or on an undivided interest
26 therein, at any time prior to the sale by payment to the Auditor of the total amount of taxes, interest,
27 and charges due thereon up to the date of redemption.

28 Given under my hand this _____ day of
29 _____, 20_____.
30 _____

31 Sheriff (or collector).

32 The sheriff shall publish the list and notice prior to the sale date fixed in the notice as a
33 Class III-0 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code,
34 and the publication area for such publication shall be is the county.

35 (b) In addition to such publication, no less than 30 days prior to the sale by the Auditor
36 pursuant to §11A-3-44 of this code, the sheriff shall send a notice of the delinquency and the date
37 of sale by certified mail: (1) To the last known address of each person listed in the land books
38 whose taxes are delinquent; (2) to each person having a lien on real property upon which the taxes
39 are due as disclosed by a statement filed with the sheriff pursuant to the provisions of §11A-3-3 of
40 this code; (3) to each other person with an interest in the property or with a fiduciary relationship to

41 a person with an interest in the property who has in writing delivered to the sheriff on a form
42 prescribed by the Tax Commissioner a request for such notice of delinquency; ~~and~~ (4) if not sent
43 pursuant to the preceding clauses, to each owner of record of the property; (5) if not sent pursuant
44 to the preceding clauses, to each resident or occupant of the property; and (6) and in the case of
45 property which includes a mineral interest but does not include an interest in the surface other than
46 an interest for the purpose of developing the minerals, to each person who has in writing delivered
47 to the sheriff, on a form prescribed by the Tax Commissioner, a request for such notice which
48 identifies the person as an owner of an interest in the surface of real property that is included in the
49 boundaries of such property: *Provided*, That in a case where one owner owns more than one
50 parcel of real property upon which taxes are delinquent, the sheriff may, at his or her option, mail
51 separate notices to the owner and each lienholder for each parcel or may prepare and mail to the
52 owner and each lienholder a single notice which pertains to all such delinquent parcels. If the
53 sheriff elects to mail only one notice, that notice shall set forth a legally sufficient description of all
54 parcels of property on which taxes are delinquent. In no event shall failure to receive the mailed
55 notice by the landowner or lienholder affect the validity of the title of the property conveyed if it is
56 conveyed pursuant to §11A-3-27 or §11A-3-59 of this code.

57 (c) To cover the cost of preparing and publishing the second delinquent list, a charge of \$25
58 shall be added to the taxes, interest, and charges already due on each item and all such charges
59 shall be stated in the list as a part of the total amount due.

60 (d) To cover the cost of preparing and mailing notice to the landowner, lienholder, or any
61 other person entitled thereto pursuant to this section, a charge of \$10 per addressee shall be
62 added to the taxes, interest, and charges already due on each item and all such charges shall be
63 stated in the list as a part of the total amount due.

64 (e) Any person whose taxes were delinquent on the first day of September may have his or
65 her name removed from the delinquent list prior to the time the same is delivered to the
66 newspapers for publication by paying to the sheriff the full amount of taxes and costs owed by the

67 person at the date of such redemption. In such case, the sheriff shall include but \$3 of the costs
68 provided in this section in making such redemption. Costs collected by the sheriff under this
69 section which are not expended for publication and mailing shall be paid into the General County
70 Fund.

NOTE: The purpose of this bill is to require the sheriff to send notices to the owners of record and to each resident or occupant of real property prior to selling the property for which property taxes have not been paid.

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