

January 1994

Forfeited and Delinquent Lands: Legislative Update

Follow this and additional works at: <https://researchrepository.wvu.edu/wvlr>



Part of the [Legislation Commons](#)

Recommended Citation

Forfeited and Delinquent Lands: Legislative Update, 96 W. Va. L. Rev. (1994).

Available at: <https://researchrepository.wvu.edu/wvlr/vol96/iss2/15>

This Student Work is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact ian.harmon@mail.wvu.edu.

FORFEITED AND DELINQUENT LANDS: LEGISLATIVE UPDATE

During its 1994 session, the West Virginia Legislature passed H.B. 4043, a bill amending both Articles 3 and 4 of Chapter 11A of the West Virginia Code.¹ Passage of the bill follows several years of effort, primarily on the part of the West Virginia Law Institute (WVLI), to implement improvements to West Virginia's forfeited and delinquent land sales law. In fact, H.B. 4043 is substantively the same as the WVLI's legislative proposal on the topic—any differences being primarily in form.²

As part of the precursory effort toward the 1994 legislative reform, the *West Virginia Law Review* published an article in its Fall Issue of Volume 96 in which the WVLI's bill was presented and explained.³ So that readers may continue to find the article useful as an interpretive tool of the new law, the following chart provides a reference between select sections of H.B. 4043 and parts of the law review article that effectively discuss those sections.

1. H.B. 4043, 71st Leg., Reg. Sess. (1994) (enacted). The bill also provides for amendments to W. VA. CODE §§ 11A-2-10 & 11A-2-13.

2. For example, where H.B. 4043 amends and reenacts Articles 3 and 4 of Chapter 11A, the WVLI proposal would have replaced Articles 3 and 4 with a single, comprehensive article, Article 5.

3. Carla W. Tanner, Note, *Forfeited and Delinquent Lands: Resolving the Due Process Deficiencies*, 96 W. VA. L. REV. 251 (1993).

H.B. 4043	ARTICLE PART ⁴	SUBJECT
§ 11A-2-13	IV.A.1	publication and posting of delinquent tax list
§ 11A-3-2	IV.A.1	second publication and notice of delinquent tax list
§ 11A-3-3	IV.A.1.a.(2).	lien filing system
§ 11A-3-5	IV.A.1	sheriff's sale
§ 11A-3-8	IV.A.1.b	land certified to auditor in lieu of purchase by state
§ 11A-3-14	IV.A.1.a.(1)	purchase by individual at sheriff's sale
§ 11A-3-19	IV.A.1.a.(1)	what purchaser at sheriff's sale must do to secure deed
§ 11A-3-21	IV.A.1.a.(1) ⁵	notice of right to redeem after sheriff's sale
§ 11A-3-22	IV.A.1.a.(1) ⁶	service of notice after sheriff's sale
§ 11A-3-23	IV.A.1.b.(2)	right to redeem after sheriff's sale
§ 11A-3-30	IV.A.1.a.(1)	title acquired by purchaser at sheriff's sale
§ 11A-3-33	IV.A.1.b.(2)	state auditor
§ 11A-3-34	IV.A.3	deputy commissioner
§ 11A-3-35	IV.A.3.a	land record in auditor's office

4. The items in this column are interpreted in the following manner: Roman numeral IV refers to part IV of the law review article entitled PROPOSED LEGISLATION; upper case A refers to the subpart entitled *Constitutional Problems in the Current Tax Sales System: The Proposed Statutory Remedies*; and the arabic numeral refers to the applicable sub-subpart within upper case A.

5. See also part IV.A.1.b.(2) at 278.

6. *Id.*

H.B. 4043	ARTICLE PART	SUBJECT
§ 11A-3-37	IV.A.2	disposition of nonentered lands ⁷
§ 11A-3-38	IV.A.2.b IV.A.3.b	owner of nonentered or certified land has right to redeem
§ 11A-3-42	IV.A.3	lands subject to sale by deputy commissioner
§ 11A-3-44	IV.A.3	auditor to certify lands to be sold
§ 11A-3-45	IV.A.3.b	deputy commissioner to hold annual auction
§ 11A-3-46	IV.A.3.b	publication and notice of deputy commissioner's auction
§ 11A-3-47	IV.A.3.b	redemption prior to deputy commissioner's sale
§ 11A-3-48	IV.A.3.b	unsold lands subject to sale without auction
§ 11A-3-51	IV.A.3.b	auditor must approve deputy commissioner's sales at n.156
§ 11A-3-52	IV.A.3.b IV.A.1.b.(2)	what purchaser at commissioner's sale must do to secure deed
§ 11A-3-54	IV.A.3.b ⁸	notice to redeem after deputy commissioner's sale
§ 11A-3-55	IV.A.3.b ⁹	service of notice after deputy commissioner's sale
§ 11A-3-56	IV.A.3.b	right to redeem after deputy commissioner's sale
§ 11A-3-68	IV.A.3.b	disposition of lands formerly purchased by state

7. Formerly referred to as "forfeited" lands.

8. See also part IV.A.1.b.(2) at 278.

9. *Id.*

