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HOUSE BILL NO. 57

House Amendments in [] — February 12, 1996

A BILL for the relief of Wayne Ayers and Lois A. Ayers.

Patron—Cranwell

Referred to Committee on Claims

Whereas, on December 4, 1986, property described as "Clark, Charlotte M., 2.80 Floyd Road, Shawsville District, ID # 3545" was escheated at inquest; and

Whereas, on [~~August 22,~~ March 19,] 1988, Wayne Ayers and Lois A. Ayers purchased this parcel of land at a Montgomery County escheat sale for \$10,000; and

Whereas, on March 23, 1990, the Ayers sold the property to Billy D. Massie et ux who began development of the property until stopped by Mazie C. Wimmer and family; and

Whereas, the Massies filed a suit involving the Massies' title insurer and the Ayers, (against whom the title insurer claimed indemnification) based on the general warranty granted by the Ayers in their deed to Massie; and

Whereas, Wimmer filed suit against Massie, the Ayers and others to clear their good title to the property; and

Whereas, due to an error made many years ago in the Commissioner of Revenue's Office of Montgomery County, the specific property which was escheated and then purportedly acquired by Ayers was assessed in error, and was in fact owned by Mazie C. Wimmer; and

Whereas, the parties to both suits have resolved the matter such that Mazie C. Wimmer is acknowledged by all such parties to be the true and correct owner of the property, and there was total failure of title in the Ayers; and

Whereas, although refunds for improperly escheated land are allowed pursuant to § 55-200 A of the Code of Virginia, discovery of this improper escheat was made beyond the 120-day refund period allowed by law; and

Whereas, Wayne and Lois A. Ayers have no other means to recover the expenses they incurred as a result of the improper escheat sale except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby appropriated from the general fund of the state treasury the sum of [\$10,000 less any expenses \$8,456.19] associated with the sale of the parcel. This payment shall be for the relief of Wayne and Lois A. Ayers to be paid by check issued by the State Treasurer on warrant of the Comptroller to Wayne and Lois A. Ayers, upon a release by them of all claims against the Commonwealth and its political subdivisions, agencies, instrumentalities, officers or employees arising out of the aforesaid occurrence, provided that Wayne and Lois A. Ayers return the grant to the State Treasurer, who shall note its return in the records of his office, and provided further that Wayne and Lois A. Ayers execute and record a quit claim deed to the Commonwealth of Virginia and return the quit claim deed to the Treasurer.*

[§ 2. *The County of Montgomery shall reimburse the general fund of the state treasury in an amount equal to the total sum appropriated pursuant to this act. Such amount shall be reimbursed from the distribution of net profits appropriated to the County of Montgomery pursuant to § 4.1-117 of the Code of Virginia.*]

ENGROSSED

HB57E