

**REPORT OF THE  
JOINT SUBCOMMITTEE STUDYING**

**Creation of a Statutory  
Right of Redemption and  
Alternative Methods of  
Clearing Title  
to Real Property**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



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Report of the  
Joint Subcommittee Studying  
Creation of a Statutory Right of Redemption  
and Alternative Methods of Clearing Title to  
Real Property  
To  
The Governor and the General Assembly of Virginia  
Richmond, Virginia  
January 1, 1989

TO: Honorable Gerald L. Baliles, Governor of Virginia,  
and  
The General Assembly of Virginia

AUTHORITY FOR STUDY AND BACKGROUND

Delegate Jay W. DeBoer of Petersburg sponsored House Joint Resolution No. 185 during the 1988 Session of the General Assembly. See Appendix A. The resolution was adopted and called for creation of a five-member joint subcommittee to study (i) the need for creation of a statutory right of redemption and (ii) methods of clearing title to real property which are less expensive and time consuming than partition.

Also during the 1988 Session, Delegate Jean W. Cunningham of Richmond introduced House Bill No. 979. See Appendix B. The bill would provide authority for the court to allot, rather than partition, real property upon agreement of all joint owners or tenants in common. House Bill No. 979 was carried over by the House Committee for Courts of Justice because of concerns about the actual effects of the procedures outlined in the bill.

The bill and House Joint Resolution No. 185 were recommended and supported by Rural Virginia, Inc., and the Virginia Landownership Information Project (VLIP). VLIP is a cooperative effort of Virginia State University and Virginia Polytechnic Institute and State University. The primary purpose of the project is education of landowners, particularly limited resource landowners, regarding their rights and responsibilities in order to assist them in retaining ownership of their property. VLIP suggested that the joint subcommittee determine whether creation of a statutory right of redemption would afford landowners a better opportunity to avoid loss of their property by foreclosure. Additionally, VLIP suggested that partition is not a viable method for clearing title to property which has devolved by intestacy through several generations and is of limited value. The issues under study were dealt with separately by the joint subcommittee.

The membership of the joint subcommittee was appointed as follows: Delegates W. Tayloe Murphy, Jr., John G. Dicks III, and Thomas M. Jackson, Jr., were appointed by the Speaker from the House Committee for Courts of Justice; Senators Daniel W. Bird, Jr., and Joseph B. Benedetti were appointed by the Senate Committee on Privileges and Elections from the Senate Committee for Courts of Justice. The joint subcommittee held three meetings in Richmond. The joint subcommittee is grateful to Rick Cagan, Executive

























