

The Burger Court Opinion Writing Database

Pearson v. Dodd

429 U.S. 396 (1977)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

December 27, 1976

Re: 75-1318 - Pearson v. Dodd

Dear Bill:

I join your proposed Per Curiam dated
December 16, 1976.

Regards,

WB

Mr. Justice Brennan

Copies to the Conference

To: The Chief Justice
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

From: Mr. Justice Brennan

Formulated: 12/16/76

pre-regulated.

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-1318

Cecile G. Pearson,
Appellant,
v.
W. P. Dodd, et al. } On Appeal from the Supreme Court of
Appeals of West Virginia.

[January —, 1977]

PER CURIAM.

When appellant failed to pay 1961 real estate taxes pertaining to her one-quarter interest in the oil and gas in 68 acres of land in Kanawha County, W. Va., the interest became subject to transfer to the State under West Virginia statutory procedures that afford notice to the landowner only through the posting of a delinquency list on the county courthouse door and the publication of the list in local newspapers. W. Va. Code §§ 11A-2-10, 11A-3-2. The interest was sold to the State under these procedures in 1962. W. Va. Code § 11A-3-8, gave appellant a statutory entitlement to redeem the interest at any time within 18 months of the date of the state purchase but appellant did not redeem during that period. The State thereafter decided to sell the interest and, as required by West Virginia law, commenced a suit in State Circuit Court to effect a sale. The suit resulted in the conveyance in 1966, by tax deed, of the oil and gas interest to appellee W. P. Dodd. The only notice of this sale was by way of publication in two local newspapers, pursuant to § 11A-4-12. Over two years later, in July 1968, appellant attempted to pay the State Auditor a sum of money to redeem the interest. The payment was refused on the ground that she no longer owned the oil and gas interest. Appellant then brought this action in state court to quiet title. The Circuit Court rendered judgment

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

December 16, 1976

Re: No. 75-1318, Pearson v. Dodd

Dear Bill,

I agree with the Per Curiam you have circulated in this case.

Sincerely yours,

P.S.

Mr. Justice Brennan

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 17, 1976

Re: No. 76-1318 - Pearson v. W. P. Dodd

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

Copies to Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

December 17, 1976

Re: No. 75-1318 - Pearson v. W. P. Dodd

Dear Bill:

I agree.

Sincerely,

T.M.

T. M.

Mr. Justice Brennan

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 17, 1976

Re: No. 75-1318 - Pearson v. Dodd

Dear Bill:

Please join me in your per curiam.

Sincerely,



Mr. Justice Brennan

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 17, 1976

No. 75-1318 Perason v. Dodd

Dear Bill:

I agree with your Per Curiam in the above case.

Sincerely,

Lewis

Mr. Justice Brennan

lfp/ss

cc: The Conference

✓
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

December 30, 1976

Re: No. 75-1318 - Pearson v. Dodd

Dear Bill:

Please join me in your per curiam.

Sincerely,

W

Mr. Justice Brennan

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

December 17, 1976

Re: 75-1318 - Pearson v. Dodd

Dear Bill:

Please join me.

Respectfully,



Mr. Justice Brennan

Copies to the Conference