

WEST VIRGINIA CODE: §16-13D-13

§16-13D-13. Collection, etc., of revenues and enforcement of covenants; default; suit, etc., by bondholder or trustee to compel performance of duties; appointment and powers of receiver.

The governing body of any such authority may insert enforceable provisions in any resolution authorizing the issuance of bonds relating to the collection, custody, and application of revenues of the authority from the operation of the water supply, wastewater transportation or treatment system, or stormwater system under its control and to the enforcement of the covenants and undertakings of the authority. If there is a default in the sinking fund provisions or in the payment of the principal or interest on any of the bonds or, if the authority or its governing body or any of its officers, agents, or employees, shall fail or refuse to comply with this article, or shall default in any covenant or agreement made with respect to the issuance of the bonds or offered as security therefor, then any holder or holders of the bonds and any such trustee under the trust indenture, if there is one, may by suit, action, mandamus, or other proceeding instituted in the circuit court for the county or any of the counties wherein the authority extends, or in any other court of competent jurisdiction, enforce and compel performance of all duties required by this article or undertaken by the authority in connection with the issuance of the bonds, and upon application of any such holder or holders, or the trustee, the court shall, upon proof of the defaults, appoint a receiver for the affairs of the authority and its properties, which receiver so appointed shall forthwith directly, or by his or her agents and attorneys, enter into and upon and take possession of the affairs of the authority and each and every part thereof, and hold, use, operate, manage, and control the authority, and in the name of the authority exercise all of the rights and powers of the authority as is considered expedient, and the receiver may collect and receive all revenues and apply them in the manner as the court shall direct. Whenever the default causing the appointment of the receiver has been cleared and fully discharged and all other defaults have been cured, the court may and after the notice and hearing as it considers reasonable and proper direct the receiver to surrender possession of the affairs of the authority to its governing body. The receiver so appointed may not sell, assign, mortgage, or otherwise dispose of any assets of the authority except as hereinbefore provided.