WEST VIRGINIA CODE: §36-13-10

§36-13-10. Appointment of agent to receive service of process.

(a) A decentralized unincorporated nonprofit association shall file in the Office of the Secretary of State a statement appointing an agent authorized to receive service of process.

(b) A statement appointing an agent shall set forth:

(1) The name of the decentralized unincorporated nonprofit association;

(2) The address in this state, including the street address, if any, of the nonprofit association, or if the nonprofit association does not have an address in this state, its out of state address; and

(3) The name of the person in this state authorized to receive service of process and the person's address, including the state address in this state.

(c) A statement appointing an agent shall be signed and acknowledged by a person authorized to administer the affairs of the decentralized unincorporated nonprofit association. The statement shall also be signed and acknowledged by the person appointed agent, who thereby accepts the appointment. The appointed agent may resign by filing a resignation in the office of the Secretary of State and giving notice to the nonprofit association. Within 10 business days of the resignation, the decentralized unincorporated nonprofit association shall appoint and file a statement appointing a new agent authorized to receive service of process.

(d) A filing officer may collect a fee for filing a statement appointing an agent to receive service of process, an amendment or a resignation in an amount as prescribed by the Secretary of State.

(e) An amendment to a statement appointing an agent to receive service of process shall meet the requirements for execution of an original statement.

(f) If the Secretary of State refuses to file a statement appointing an agent, the Secretary of State shall return the statement to the decentralized unincorporated nonprofit association or its representative within 15 days after the statement was received by the Secretary of State, together with a brief, written explanation of the reason for the refusal.

WV Legislature