

WEST VIRGINIA CODE: §46-2-322

§46-2-322. Delivery "ex-ship."

- (1) Unless otherwise agreed a term for delivery of goods "ex-ship" (which means from the carrying vessel) or in equivalent language is not restricted to a particular ship and requires delivery from a ship which has reached a place at the named port of destination where goods of the kind are usually discharged.
- (2) Under such a term unless otherwise agreed
 - (a) the seller must discharge all liens arising out of the carriage and furnish the buyer with a direction which puts the carrier under a duty to deliver the goods; and
 - (b) the risk of loss does not pass to the buyer until the goods leave the ship's tackle or are otherwise properly unloaded.