WEST VIRGINIA CODE: §46-3-118

§46-3-118. Statute of limitations.

(a) Except as provided in subsection (e), an action to enforce the obligation of a party to pay a note payable at a definite time must be commenced within five years after the due date or dates stated in the note or, if a due date is accelerated, within five years after the accelerated due date. An action to enforce the obligation of a demand, savings, or time deposit, including a deposit that is automatically renewable, brought more than 10 years after the initial date of the maturity shall be presumed to have been paid and redeemed absent evidence of:

(1) Owner consent in a record on file with the holder to renewal at or about the time of renewal pursuant to §36-8-2 of this code; or

(2) Escheatment to the state pursuant to §36-8-1 *et seq*. of this code.

(b) Except as provided in subsection (d) or (e), if demand for payment is made to the maker of a note payable on demand, an action to enforce the obligation of a party to pay the note must be commenced within five years after the demand. If no demand for payment is made to the maker, an action to enforce the note is barred if:

(1) Neither principal nor interest on the note has been paid for a continuous period of 10 years;

(2) The bank, pursuant to §31A-4-35 of this code, is no longer required to retain records relating to the note and actually no longer has such records; or

(3) The note has, in accordance with §36-8-1 *et seq*. of this code, been presumed abandoned; reported to the State Treasurer; and paid, delivered, or caused to be paid or delivered to the State Treasurer.

(c) Except as provided in subsection (d), an action to enforce the obligation of a party to an unaccepted draft to pay the draft must be commenced within three years after dishonor of the draft or 10 years after the date of the draft, whichever period expires first.

(d) An action to enforce the obligation of the acceptor of a certified check or the issuer of a teller's check, cashier's check, or traveler's check must be commenced within three years after demand for payment is made to the acceptor or issuer, as the case may be.

(e) An action to enforce the obligation of a party to a certificate of deposit to pay the instrument must be commenced within five years after demand for payment is made to the maker, but if the instrument states a due date and the maker is not required to pay before that date, the five-year period begins when a demand for payment is in effect and the due date has passed: *Provided*, That no action to enforce the obligation may be maintained

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against the bank if the bank has destroyed or otherwise disposed of all records relating to the certificate of deposit in compliance with §31A-4-35 of this code.

(f) An action to enforce the obligation of a party to pay an accepted draft, other than a certified check, must be commenced (i) within five years after the due date or dates stated in the draft or acceptance if the obligation of the acceptor is payable at a definite time or (ii) within five years after the date of the acceptance if the obligation of the acceptor is payable on demand.

(g) Unless governed by other law regarding claims for indemnity or contribution, an action (i) for conversion of an instrument, for money had and received, or like action based on conversion, (ii) for breach of warranty, or (iii) to enforce an obligation, duty, or right arising under this article and not governed by this section must be commenced within three years after the cause of action accrues.

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