WEST VIRGINIA CODE: §46-9-103A

§46-9-103a. "Production-money crops"; "production-money obligation"; production-money security interest; burden of establishing.

- (a) A security interest in crops is a production-money security interest to the extent that the crops are production-money crops.
- (b) If the extent to which a security interest is a production-money security interest depends on the application of a payment to a particular obligation, the payment must be applied:
- (1) In accordance with any reasonable method of application to which the parties agree;
- (2) In the absence of the parties' agreement to a reasonable method, in accordance with any intention of the obligor manifested at or before the time of payment; or
- (3) In the absence of an agreement to a reasonable method and a timely manifestation of the obligor's intention, in the following order:
- (A) To obligations that are not secured; and
- (B) If more than one obligation is secured, to obligations secured by production-money security interests in the order in which those obligations were incurred.
- (c) A production-money security interest does not lose its status as such, even if:
- (1) The production-money crops also secure an obligation that is not a production-money obligation;
- (2) Collateral that is not production-money crops also secures the production-money obligation; or
- (3) The production-money obligation has been renewed, refinanced, or restructured.
- (d) A secured party claiming a production-money security interest has the burden of establishing the extent to which the security interest is a production-money security interest.