

# WEST VIRGINIA CODE: §46-9-613

## **§46-9-613. Contents and form of notification before disposition of collateral: general.**

Except in a consumer-goods transaction, the following rules apply:

- (1) The contents of a notification of disposition are sufficient if the notification:
  - (A) Describes the debtor and the secured party;
  - (B) Describes the collateral that is the subject of the intended disposition;
  - (C) States the method of intended disposition;
  - (D) States that the debtor is entitled to an accounting of the unpaid indebtedness and states the charge, if any, for an accounting; and
  - (E) States the time and place of a public disposition or the time after which any other disposition is to be made.
- (2) Whether the contents of a notification that lacks any of the information specified in paragraph (1) of this section are nevertheless sufficient is a question of fact.
- (3) The contents of a notification providing substantially the information specified in paragraph (1) of this section are sufficient, even if the notification includes:
  - (A) Information not specified by that paragraph; or
  - (B) Minor errors that are not seriously misleading.
- (4) A particular phrasing of the notification is not required.
- (5) The following form of notification and the form appearing in section 9-614(3), when completed, each provides sufficient information:

### NOTIFICATION OF DISPOSITION OF COLLATERAL

To:

From:

Name of Debtor(s):

For a public disposition:

We will sell or [lease or license, as applicable] the to the highest qualified bidder in public as follows:

Day and Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

For a private disposition:

We will sell [or lease or license, as applicable] the privately sometime after.

You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell [or lease or license, as applicable] for a charge of \$ \_\_\_\_\_. You may request an accounting by calling us at.

[End of Form]