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:[*Name of debtor, obligor, or other person to which the notification is sent*]

From:[*Name, address, and telephone number of secured party*]

Name of Debtor(s):[*Include only if debtor(s) are not an addressee*]

For a public disposition:

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We will sell or [lease or license, *as applicable*] the [*describe collateral*] 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 [*describe collateral*] privately sometime after [*day and date*].

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 [*telephone number*].

[End of Form]

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