

# WEST VIRGINIA CODE: §55-21-12

## §55-21-12. Powers and duties of receiver.

(a) Except as limited by court order or law of this state other than this article, a receiver may:

- (1) Collect, control, manage, conserve, and protect receivership property;
- (2) Operate a business constituting receivership property, including preservation, use, sale, lease, license, exchange, collection, or disposition of the property in the ordinary course of business;
- (3) In the ordinary course of business, incur unsecured debt and pay expenses incidental to the receiver's preservation, use, sale, lease, license, exchange, collection, or disposition of receivership property;
- (4) Assert a right, claim, cause of action, or defense of the owner which relates to receivership property;
- (5) Seek and obtain instruction from the court concerning receivership property, exercise of the receiver's powers, and performance of the receiver's duties;
- (6) By subpoena, compel a person to submit to examination under oath, or to produce and permit inspection and copying of designated records or tangible things, with respect to receivership property or any other matter that may affect administration of the receivership;
- (7) Engage a professional as provided in §55-21-15 of this code;
- (8) Apply to a court of another state for appointment as ancillary receiver with respect to receivership property located in that state; and
- (9) Exercise any power conferred by court order, this article, or law of this state other than this article.

(b) With court approval, a receiver may:

- (1) Incur debt for the use or benefit of receivership property other than in the ordinary course of business;
- (2) Make improvements to receivership property;
- (3) Use or transfer receivership property other than in the ordinary course of business as provided in §55-21-16 of this code;

- (4) Adopt or reject an executory contract of the owner as provided in §55-21-17 of this code;
  - (5) Pay compensation to the receiver as provided in §55-21-21 of this code, and to each professional engaged by the receiver as provided in §55-21-15 of this code;
  - (6) Recommend allowance or disallowance of a claim of a creditor as provided in §55-21-20 of this code; and
  - (7) Make a distribution of receivership property as provided in §55-21-20 of this code.
- (c) A receiver shall:
- (1) Prepare and retain appropriate business records, including a record of each receipt, disbursement, and disposition of receivership property;
  - (2) Account for receivership property, including the proceeds of a sale, lease, license, exchange, collection, or other disposition of the property;
  - (3) File a copy of the order appointing the receiver with the county clerk of the appropriate county and, if a legal description of the real property is not included in the order, the legal description;
  - (4) Disclose to the court any fact arising during the receivership which would disqualify the receiver under §55-21-7 of this code; and
  - (5) Perform any duty imposed by court order, this article, or law of this state other than this article.
- (d) The powers and duties of a receiver may be expanded, modified, or limited by court order.