

# WEST VIRGINIA CODE: §55-21-2

## §55-21-2. Definitions.

When used in this article, the following words have the meanings specified in this section:

“Affiliate” means:

(1) With respect to an individual:

(A) A spouse, companion, or domestic partner of the individual;

(B) A lineal ancestor or descendant, whether by blood or adoption, of:

(i) The individual; or

(ii) A spouse, companion, or domestic partner of the individual;

(C) A spouse, companion, or domestic partner of an ancestor or descendant described in clause (ii);

(D) A sibling, aunt, uncle, great aunt, great uncle, first cousin, niece, nephew, grandniece, or grandnephew of the individual, whether related by the whole or the half blood or adoption, or a companion of any of them; or

(E) Any other individual occupying the residence of the individual; and

(2) With respect to a person other than an individual:

(A) Another person that directly or indirectly controls, is controlled by, or is under common control with the person;

(B) An officer, director, manager, member, partner, employee, or trustee, or another fiduciary of the person; or

(C) A spouse, companion, or domestic partner of an individual, or any other individual occupying the residence of, an individual described in paragraph (A) or (B).

“Court” means a circuit court.

“Executory contract” means a contract, including a lease, under which each party has an unperformed obligation and the failure of a party to complete performance would constitute a material breach.

“Governmental unit” means an office, department, division, bureau, board, commission, or other agency of this state or a subdivision of this state.

“Lien” means an interest in property which secures payment or performance of an obligation.

“Mortgage” means a record, however denominated, that creates or provides for a consensual lien on real property or rents, even if it also creates or provides for a lien on personal property.

“Mortgagee” means a person entitled to enforce an obligation secured by a mortgage.

“Mortgagor” means a person that grants a mortgage or a successor in ownership of the real property described in the mortgage.

“Owner” means the person for whose property a receiver is appointed.

“Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

“Proceeds” means the following property:

- (1) Whatever is acquired on the sale, lease, license, exchange, or other disposition of receivership property;
- (2) Whatever is collected on, or distributed on account of, receivership property;
- (3) Rights arising out of receivership property;
- (4) To the extent of the value of receivership property, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to the property; or
- (5) To the extent of the value of receivership property and to the extent payable to the owner or mortgagee, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to the property.

“Property” means all of a person’s right, title, and interest, both legal and equitable, in real and personal property, tangible and intangible, wherever located and however acquired. The term includes proceeds, products, offspring, rents, or profits of or from the property.

“Receiver” means a person appointed by the court as the court’s agent, and subject to the court’s direction, to take possession of, manage, and, if authorized by this article or court order, transfer, sell, lease, license, exchange, collect, or otherwise dispose of receivership property.

“Receivership” means a proceeding in which a receiver is appointed.

“Receivership property” means the property of an owner which is described in the order

appointing a receiver or a subsequent order. The term includes any proceeds, products, offspring, rents, or profits of or from the property.

“Record”, used as a noun, means information that is inscribed on a tangible medium or that is stored on an electronic or other medium and is retrievable in perceivable form.

“Rents” means:

- (1) Sums payable for the right to possess or occupy, or for the actual possession or occupation of, real property of another person;
- (2) Sums payable to a mortgagor under a policy of rental-interruption insurance covering real property;
- (3) Claims arising out of a default in the payment of sums payable for the right to possess or occupy real property of another person;
- (4) Sums payable to terminate an agreement to possess or occupy real property of another person;
- (5) Sums payable to a mortgagor for payment, or for reimbursement of expenses incurred in owning, operating, and maintaining real property, or constructing or installing improvements on real property; or
- (6) Other sums payable under an agreement relating to the real property of another person which constitute rents under law of this state other than this article.

“Secured obligation” means an obligation the payment or performance of which is secured by a security agreement.

“Security agreement” means an agreement that creates, or provides for, a lien.

“Sign” means, with present intent to authenticate or adopt a record:

- (1) To execute or adopt a tangible symbol; or
- (2) To attach to, or logically associate with, the record an electronic sound, symbol, or process.

“State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.