

# WEST VIRGINIA CODE: §55-21-25

## §55-21-25. Effect of enforcement by mortgagee.

(a) A request by a mortgagee for appointment of a receiver, the appointment of a receiver, or application by a mortgagee of receivership property or proceeds to the secured obligation does not:

- (1) Make the mortgagee a mortgagee in possession of the real property;
- (2) Make the mortgagee an agent of the owner;
- (3) Constitute an election of remedies that precludes a later action to enforce the secured obligation;
- (4) Make the secured obligation unenforceable;
- (5) Limit any right available to the mortgagee with respect to the secured obligation; or
- (6) Except as otherwise provided in subsection (b), bar a deficiency judgment pursuant to law of this state other than this article governing or relating to a deficiency judgment.

(b) If a receiver sells receivership property that pursuant to §55-10-16(c) of this code is free and clear of a lien, the ability of a creditor to enforce an obligation that had been secured by the lien is subject to law of this state other than this article relating to a deficiency judgment.