

Rec., Feb. 13, 1934

66

# ENROLLED BILL

Second Extraordinary Session

SENATE BILL NO. 99

By Mr. Fleming

PASSED February 8, 1934

IN EFFECT from PASSAGE

Originating in the Senate Takes effect from 1934 Passage.  
Anthony Clerk. Lee Wallace Clerk House of Delegates.

CORRECTLY ENROLLED

James D. Smith Chairman House Committee. Tenna K. Hyn Chairman Senate Committee.

ENROLLED BILL

(S. B. No. 99)

[Passed February 8, 1934; in effect from passage.]

AN ACT to amend article eleven, chapter thirty-eight, code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter eighteen, acts of the Legislature, regular session, one thousand nine hundred thirty-three, by amending and reenacting section eighteen and adding thereto section twenty-one, relating to liens on crops for advances for cultivation or cropping of land and their protection and providing exceptions.

*Be it enacted by the Legislature of West Virginia:*

That article eleven, chapter thirty-eight, code of West Virginia,

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*James A. Smith*  
*Chairman Senate Committee.*

*James L. Smith*  
*Chairman House Committee.*

one thousand nine hundred thirty-one, be amended and reenacted by adding thereto section twenty-one and that section eighteen, as last amended by chapter eighteen, acts of the Legislature, regular session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Sec. 18. If any person makes advances, either in money or  
2 supplies, or other thing of value, to anyone who is engaged in,  
3 or is about to engage in, the cultivation or cropping of land,  
4 the person so making such advances shall have a lien on the  
5 crops which may be made or seeded, or fruit and/or other  
6 crops maturing during the year upon the lands in or about  
7 the cultivation or cropping of which the advances so made  
8 have been or were intended to be expended, to the extent of  
9 such advances; but the person making such advances shall not  
10 have the benefit of the liens given in this section, unless there  
11 is an agreement, in writing, signed by both parties, in which  
12 there is specified the amount advanced, or a limit to be fixed  
13 beyond which any advances, made from time to time during  
14 the year, shall not go, and a description of the land cultivated  
15 or cropped, or to be cultivated or cropped, sufficient to identify  
16 it, and such agreement be filed in the office of the clerk of

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*Anna A. Hays*

*Chairman Senate Committee.*

*James L. Smith*

*Chairman House Committee.*

Enrolled S. B. No. 99]

3

17 the county court of the county in which such land so cultivated  
18 or cropped or to be cultivated or cropped, lies, in a well-bound  
19 book to be known as "crop lien book," and alphabetically in-  
20 dexed therein, by such clerk, setting forth the date of the lien,  
21 a brief description of the land so cultivated or cropped, or to  
22 be cultivated or cropped, sufficient to identify the same as  
23 stated in the writing, the name of the lienor and the lienee,  
24 the amount advanced or the limit thereof, and the crops affect-  
25 ed; and from the time such lien is so filed it shall have the  
26 same force and effect as a duly recorded trust deed, and shall  
27 be valid as to purchasers without notice from, and the credi-  
28 tors of, the parties or party obtaining such advances; and in  
29 the event of a sale, under a trust deed or mortgage, of the land  
30 upon which any such crop has been so seeded and/or may be  
31 growing, and before such crop has been severed, such sale shall  
32 be made subject to such crop lien: *Provided*, That whenever  
33 the crops are subject to a lien of a fieri facias or attachment,  
34 whether a levy be actually made or not, it shall be the duty  
35 of the person claiming a lien under this section, upon the  
36 request of the sheriff, or any party in interest, to render to  
37 the sheriff of the county wherein the crops are grown, a com-

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38 plete and itemized statement, under oath, of the claims for ad-  
 39 vances, showing the nature of the claims, the dates of advance-  
 40 ment and the respective amounts. And in case the person  
 41 claiming the advances fails to render to the sheriff of such  
 42 county the verified itemized statement above provided for  
 43 within ten days after request has been made, he shall forever  
 44 lose the benefit of the lien on the crops for advances granted  
 45 him under this section: *Provided further*, That if the execu-  
 46 tion creditor or attachment creditor desires to contest the  
 47 validity of the claims for advances, he may cause the clerk of  
 48 the circuit court of the county in which such crops are grown  
 49 to summon the person claiming such lien, to appear before  
 50 such court and show to the satisfaction of the court that such  
 51 money, supplies and other things of value were advanced for  
 52 the purpose of, and were actually used in and about, the  
 53 cultivation or production of the crops upon which the lien is  
 54 claimed. For the services of the clerk in recording a crop lien  
 55 under this section, he shall receive a fee of fifty cents.

Sec. 21. Whenever any debt secured by the lien provided  
 2 for in section eighteen of this article has been assigned, trans-  
 3 ferred or endorsed to another in whole or in part by the

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5

4 original lienee thereof, such payee, assignee, transferee, or  
5 endorsee may cause a memorandum or statement of the assign-  
6 ment to such assignee, transferee, or endorsee to be entered on  
7 the margin of the page in the book where such encumbrance  
8 securing the same is recorded, which memorandum or state-  
9 ment shall be signed by the assignor, transferer or endorser,  
10 his duly authorized agent or attorney, and when so signed and  
11 the signature thereto attested by the clerk in whose office such  
12 encumbrance is recorded, the same shall operate as a notice of  
13 such assignment or transfer. And where such transfer by the  
14 lienee is so entered on the margin of the crop lien book, sub-  
15 sequent transfers thereof may likewise be entered in the same  
16 manner and with like effect.

*Kenna K. Steyer*  
Chairman Senate Committee.

*B. M. Linier*  
Speaker of the House of Delegates

*W. L. Hall*  
Clerk of the House of Delegates

*A. B. Mainwaring*  
President of the Senate

*David Smith*  
Clerk of the Senate

The within is

*approved*

this *15<sup>th</sup>* day of *February*, 1934.

*James L. Smith*  
Chairman House Committee.

*H. S. Kump*  
Governor

Filed in the office of the Secretary of State  
of West Virginia. **FEB 15 1934**

Wm. S. O'BRIEN,  
Secretary of State

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