

Rec., Mar. 11, 1933

170

ENROLLED BILL

Regular Session

SENATE BILL NO. 170

By Mr. Taylor

PASSED March 11 1933

IN EFFECT from PASSAGE

Passage.

Takes effect.

Originating in the

Clerk of the House of Delegates.

Clerk.

CORRECTLY ENROLLED

Chairman Senate Committee.

Chairman House Committee.

ENROLLED BILL

(S. B. No. 170)

[Passed March 11, 1933; in effect from passage.]

AN ACT to amend and reenact section eight, article one, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to sales under trust deeds and requiring reports thereof to be made to the circuit court.

Be it enacted by the Legislature of West Virginia:

That section eight, article one, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, be and the same is hereby amended and reenacted to read as follows:

Section 8. When a sale of property is made under any trust deed, otherwise than under a decree, the trustee shall promptly thereafter file his petition with his written report of sale to the circuit court of the county in which such sale shall have been made, or the judge thereof in vacation, praying for a confirmation of such sale, and in case the court or judge shall be satis-

James L. Smith
 Chairman House Committee.

James A. Hargreaves
 Chairman Senate Committee.

7 fied that said sale was in all respects regular and that the sale
 8 price reported is reasonably adequate under all the circum-
 9 stances, he shall confirm such sale; otherwise the court or judge
 10 shall have discretion to direct a resale or resales, under such
 11 terms or conditions as may be deemed just, to the end that a
 12 reasonably adequate price shall be obtained, and in determining
 13 all questions in respect to adequacy of price, the court or judge
 14 may consider the appraisement of the property, and as well
 15 affidavits filed pro and con and all evidence taken upon the in-
 16 quiry. The trustee shall make no conveyance or transfer title
 17 to the property, until directed to do so by the court or judge:
 18 *Provided, however,* That in the case of real property, the pro-
 19 visions of article thirteen of this chapter shall be followed. All
 20 decrees and orders entered in respect to such report of sale
 21 shall be entered upon the chancery order book and properly
 22 indexed in the name of the grantor in said trust deed, with the
 23 addition of the words "trust deed". The taxable cost of such
 24 proceeding shall be only that prescribed by law for filing re-
 25 ports and entering orders and decrees, and shall be payable as
 26 other costs of executing the trust. Such report may be made

CORRECTLY ENROLLED

James L. Smith

Chairman House Committee.

Henry D. Hyatt

Chairman Senate Committee.

Enrolled S. B. No. 170]

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27 and filed in the vacation of the court, but in such case the trust-
28 tee shall by public proclamation at the time of sale give notice
29 of the time and place at which the report will be so made.

B. M. Stiner

Speaker of the House of Delegates.

Geo. S. Hall

Clerk of the House of Delegates.

A. M. ...

President of the Senate.

...

Clerk of the Senate.

The within is.....

this.....day of....., 1933.

Filed in the office of the Secretary of State
of West Virginia. **MAR 18 1933**
Wm. S. O'BRIEN,
Secretary of State

Governor.

CORRECTLY ENROLLED

...
Chairman Senate Committee.

James A. Smith
Chairman House Committee.