ENROLLED BILL

Second Extraordinary Session

SENATE BILL NO. 99

By Mr. Fleming

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,
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 supplies, or other thing of value, to anyone who is engaged in, or is about to engage in, the cultivation or cropping of land, the person so making such advances shall have a lien on the crops which may be made or seeded, or fruit and/or other crops maturing during the year upon the lands in or about the cultivation or cropping of which the advances so made have been or were intended to be expended, to the extent of such advances; but the person making such advances shall not have the benefit of the liens given in this section, unless there is an agreement, in writing, signed by both parties, in which there is specified the amount advanced, or a limit to be fixed beyond which any advances, made from time to time during the year, shall not go, and a description of the land cultivated or cropped, or to be cultivated or cropped, sufficient to identify it, and such agreement be filed in the office of the clerk of
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-
38plete and itemized statement, under oath, of the claims for ad-
39vances, showing the nature of the claims, the dates of advance-
40ment and the respective amounts. And in case the person
41claiming the advances fails to render to the sheriff of such
42county the verified itemized statement above provided for
43within ten days after request has been made, he shall forever
44lose the benefit of the lien on the crops for advances granted
45him under this section: Provided further, That if the execu-
46tion creditor or attachment creditor desires to contest the
47validity of the claims for advances, he may cause the clerk of
48the circuit court of the county in which such crops are grown
49to summon the person claiming such lien, to appear before
50such court and show to the satisfaction of the court that such
51money, supplies and other things of value were advanced for
52the purpose of, and were actually used in and about, the
53cultivation or production of the crops upon which the lien is
54claimed. For the services of the clerk in recording a crop lien
55under this section, he shall receive a fee of fifty cents.

Sec. 21. Whenever any debt secured by the lien provided
2for in section eighteen of this article has been assigned, trans-
3ferred or endorsed to another in whole or in part by the
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.
The within is approved this 15th day of February, 1934.

[Signature]
Governor

Filed in the office of the Secretary of State of West Virginia, FEB 15 1934
Wm. S. O'BIEN,
Secretary of State