WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1935

ENROLLED

SENATE BILL No. 30

(By Mr. Spillers)

PASSED February 23, 1935

In Effect from Passage
AN ACT to amend article five, chapter thirty-five of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be known as section six, providing for the creation and validation of perpetual trusts for the care, preservation, maintenance, improvement or embellishment of cemetery or burial lots, public or private, and structures and growths thereon.

Be it enacted by the Legislature of West Virginia:

That article five, chapter thirty-five of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section to be known as section six, as follows:
Section 6. Express trusts may hereafter be created for the perpetual care, preservation, maintenance, improvement and/or embellishment of any cemetery or burial lot, public or private, and of the appurtenances of any such lot, including the erection, repair, preservation and/or removal of mausoleums, tombs, monuments, gravestones, fences, railings, walks, and/or other structure or structures thereon, and the planting, trimming, watering and/or removing of any tree, shrub or other plant or plants thereon. Any such trust heretofore created shall be valid. Any such trust whether created heretofore or hereafter, may provide for the accumulation of income for any of the aforesaid purposes, but if and when the accumulations so authorized exceed the replacement cost of all structures upon such lot, the trustee of such trust may, either with or without authorization of any court having jurisdiction in the premises, divert the excess thereover to the general upkeep of the cemetery. Any person or any association of persons or corporation authorized by the laws of this state to act as trustee, may serve as trustee of any such trust. The funds in any such trust shall be invested in the manner provided in the instrument creating
21 same, but, in the absence of any such provisions, in the manner
22 provided by article six, chapter forty-four, of the code of West
23 Virginia, one thousand nine hundred thirty-one.

I certify that the foregoing act, having been presented to the Governor for
his approval, and not having been returned by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the \(\text{6th}^{th}\) day of March, 1935.

\[\text{Signature}\]

SECRETARY OF STATE
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within this the day of , 1935.

Governor

Filed in the office of the Secretary of State of West Virginia MAR 6 1935

Wm. S. O'BRIEN,
Secretary of State