

25th

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

SENATE BILL No. 30

(By Mr. Spillers)



PASSED February 23 1935

In Effect from Passage

30

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:

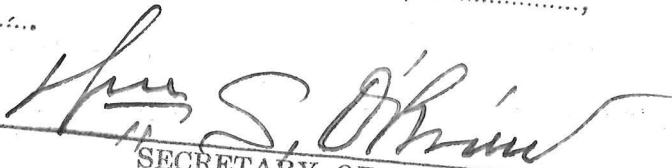
That article five, chapter thirty-five of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section to be known as section six, as follows:

Section 6. Express trusts may hereafter be created for the
2 perpetual care, preservation, maintenance, improvement and/or
3 embellishment of any cemetery or burial lot, public or private,
4 and of the appurtenances of any such lot, including the erec-
5 tion, repair, preservation and/or removal of mausoleums, tombs,
6 monuments, gravestones, fences, railings, walks, and/or other
7 structure or structures thereon, and the planting, trimming,
8 watering and/or removing of any tree, shrub or other plant
9 or plants thereon. Any such trust heretofore created shall be
10 valid. Any such trust whether created heretofore or hereafter,
11 may provide for the accumulation of income for any of the
12 aforesaid purposes, but if and when the accumulations so
13 authorized exceed the replacement cost of all structures upon
14 such lot, the trustee of such trust may, either with or without
15 authorization of any court having jurisdiction in the premises,
16 divert the excess thereover to the general upkeep of the ceme-
17 tery. Any person or any association of persons or corporation
18 authorized by the laws of this state to act as trustee, may serve
19 as trustee of any such trust. The funds in any such trust shall
20 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 prescribed by the constitution of the state, has become a law without his approval.

This the 6th day of March,
1935...


SECRETARY OF STATE

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

Clinton K. Howard
.....
Chairman Senate Committee

Arnold M. Dickens
.....
Chairman House Committee

Originated in the *Senate*

Takes effect *from* passage.

Phonetic
.....
Clerk of the Senate

W. S. Hall
.....
Clerk of the House of Delegates

Chas. E. Hoyle
.....
President of the Senate

John S. Peltier
.....
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