

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

SENATE BILL No.

79

(By Mr.

Fleming)



PASSED

March 9 1935

In Effect

from Passage

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Senate Bill No. 79

(BY MR. FLEMING)

[Passed March 9, 1935; in effect from passage.]

AN ACT to amend and reenact section eighteen, article eleven, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter seventy-four, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three, relating to advances made for crops.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article eleven, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter seventy-four, acts of the legislature, sec-

ond extraordinary session, one thousand nine hundred thirty-three,
be amended and reenacted to read as follows:

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

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

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

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

Clinton L. Howard

Chairman Senate Committee

Arnold M. Vickers

Chairman House Committee

Originated in the.....

Senate
from

Takes effect.....

.....passage.

Charles M. Hays

Clerk of the Senate

Leo S. Haege

Clerk of the House of Delegates

Chas. E. Hays

President of the Senate

Frank R. Hunter

Speaker House of Delegates

The within.....this the.....

day of....., 1935.

.....
Governor

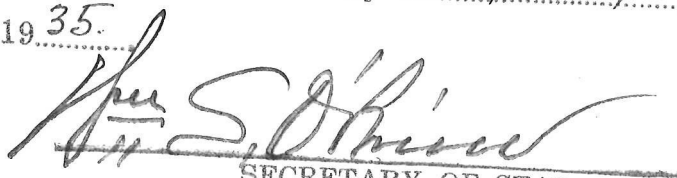
Filed in the office of the Secretary of State
of West Virginia.....

Wm. S. O'BRIEN,
Secretary of State

MAR 15 1935

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 15th day of March,
19 35.



SECRETARY OF STATE