WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

SENATE BILL No. 172

(By Mr.______________________________)

PASSED ____________________________ 1947

In Effect __________________________ Passage
ENROLLED

COMMITTEE SUBSTITUTE FOR

Senate Bill No. 172

[Passed March 8, 1947; in effect from passage.]

AN ACT to amend chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, by adding thereto a new article to be designated article nine-a, relating to voluntary associations and business trusts; prescribing the form of execution and acknowledgment of deeds and other writings executed by such associations and trusts; authorizing the adoption and use of trade-names and the recordation of declarations of trust or agreements; validating deeds and other writings heretofore executed by such associations and trusts and providing the method by which such associations and trusts may become authorized and qualified to do business in this state.

Be it enacted by the Legislature of West Virginia:

That chapter forty-seven of the code of West Virginia, one
thousand nine hundred thirty-one, as last amended, be amended by adding thereto a new article, to be designated article nine-a, to read as follows:

Article 9-A. Voluntary Associations and Business Trusts.

Section 1. Execution of Deeds and Other Writings.—

Any persons who are now or who have heretofore been voluntarily associated together for the transaction or doing of business under and pursuant to the terms and provisions of a declaration of trust or articles or agreement of association, commonly designated as a Massachusetts trust or business trust, or any other lawful voluntary association by whatever name known, may purchase, acquire, hold, deal in, sell, lease, convey, exchange, pledge, mortgage and encumber any real estate or personal property or interest therein within this state, and may execute all deeds, leases, contracts, or other instruments in writing with respect to real estate or personal property or interest therein as may be necessary or required, either in the name or names of the trustees for the time being designated in such declaration, articles or agreement, or their successors, or in the name or names
of another person or persons designated in such decla-
ration, articles or agreement, or by a descriptive, assumed
or trade-name, when signed by a duly authorized officer
or officers thereof, all as may be provided for and stated
in such declaration, articles or agreement: Provided, how-
ever, That such association or trust shall have qualified
to do business in West Virginia, as hereinafter provided
for in section five of this article.

Sec. 2. Adoption and Use of Trade-Names; Use of Seal.
—Any such association or trust may adopt and use a
descriptive, assumed or trade-name, subject to all ap-
plicable laws of the state relating to registration thereof
and may adopt and use a common seal.

Sec. 3. Recordation of Declaration of Trust or Agree-
ment of Association; Acknowledgment of Deeds and
Other Writings.—Every such association or trust shall
cause a copy of any such declaration, articles or agree-
ment, duly authenticated, to be filed and recorded in the
office of the clerk of the county court of the county in
which any such association, trust or trustees shall pur-
chase, acquire, hold, deal in, sell, lease, convey, exchange,
pledge, mortgage and encumber or otherwise dispose of
or execute any instruments with respect to real estate
or personal property or interest therein and such decla-
ration, articles or agreements providing for the use of
such descriptive, assumed or trade-name shall authorize
and designate or contain provisions for the authorization
or designation of persons by whom deeds, leases, con-
tracts and other instruments in writing shall be executed.
All such deeds, leases, contracts and other instruments
in writing shall be deemed to be properly acknowledged
for the purposes of recordation if acknowledged in the
form provided by statute for acknowledgments by cor-
porations, or, if executed by trustees or other persons,
then in the form provided by statute therefor.

Sec. 4. Validation of Deeds and Other Writings Here-
tofore Executed.—All deeds, leases, contracts and other
instruments in writing with respect to real estate or per-
sonal property or interest therein within this state here-
tofore made and delivered by any such association, trust
or trustees, which comply with the requirements of this
Sec. 5. *Authorization and Qualification to do Business.*—Any such association or trust shall file with the secretary of state a copy of its declaration, articles or agreement and a writing, duly executed, agreeing to be governed by the laws of this state with respect to corporations, including license fees and all other taxes. The secretary of state shall thereupon issue to such association or trust a certificate showing such association or trust to be duly authorized and qualified to do business in this state, which certificate, together with a copy of its declaration, articles or agreement shall be recorded in the office of the clerk of the county court of the county, or counties, in which its business is to be conducted. Such association or trust shall thereupon be and become subject to all of the statutes of this state relating to corporations generally.

Sec. 6. *Repeal of Conflicting Acts.*—All acts or parts of acts in conflict with this article are hereby repealed.

Sec. 7. *Severability.*—The provisions of this article
shall be construed to be severable and if any are held unconstitutional or otherwise invalid, such invalidity or unconstitutionality shall not affect the operation of the remaining provisions.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]

Chairman Senate Committee

[Signature]

Chairman House Committee

Originated in the Senate

Takes effect from passage.

[Signature]

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker House of Delegates

The within approved this the 13th day of March, 1947.

[Signature]

Governor

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

WM. S. O'Brien, Secretary of State