

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953



ENROLLED

HOUSE BILL No. 172

(By Mr. Baker and Mr. Goshorn)



PASSED March 4 1953

In Effect thirty days from Passage



172

ENROLLED
House Bill No. 172
(By MR. BAKER and MR. GOSHORN)

[Passed March 4, 1953; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article one, chapter forty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to recordation of contracts, deeds, trust deeds and mortgages in county to which property removed from other county and state, notice required upon removal of goods and chattels mentioned therein.

Be it enacted by the Legislature of West Virginia:

That section eleven, article one, chapter forty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 11. *Recordation of Contracts, Deeds, Trust*
2 *Deeds, and Mortgages in County to Which Property Re-*
3 *moved from Other County and State; Notice Required.—*
4 Any goods or chattels mentioned in such writing shall
5 not be removed from any county wherein such writing

6 is recorded, or from another state into a county in this
7 state, where such writing is not admitted to record, prior
8 to the performance of the provisions contained therein,
9 except for temporary uses for a period of not more than
10 thirty days, unless the owner, not less than ten days be-
11 fore such removal, shall give the person or persons se-
12 cured thereby or otherwise interested therein, or the
13 guardian or committee of any infant or insane person
14 secured thereby or otherwise interested therein, person-
15 ally or by registered mail written notice of the place to
16 which the goods or chattels are to be removed and the
17 approximate time of such intended removal. Unless such
18 writing, or a copy thereof, is admitted to record in the
19 county to which the property is so removed, within ten
20 days after receipt of the above written notice, or receipt
21 of actual notice of such removal, such writing, shall as
22 to the property so removed, be void as to such creditors
23 or purchasers until recorded in such last mentioned
24 county. If any such property is so removed without the
25 giving of such notice, the person or persons so secured
26 or otherwise interested therein, including any such guar-

27 dian or committee, may take possession of such goods and
28 chattels and deal with them as in case of any other default
29 under the terms of such writing.

30 The above provisions of this section shall not apply,
31 however, to equipment or rolling stock of railroad or
32 street, or interurban railway, or of commercial watercraft
33 or barges, or any equipment thereon, however, any such
34 writing conveying any such equipment shall be void as
35 to any creditors or purchasers thereof unless the writing
36 shall be acknowledged in like manner as a deed for real
37 property, and the writing or a copy thereof, be filed in
38 the office of the secretary of state.

RECEIVED BY THE CLERK OF THE SENATE
MAR 11 1953
D. MITCHELL
SECRETARY OF STATE

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

A. M. Kinley
Chairman Senate Committee

A. B. Auerler
Chairman House Committee

Originated in the House of Delegates

Takes effect *thirty days from* passage.

Thomas Nye
Clerk of the Senate

J. S. Kiff
Clerk of the House of Delegates

Ralph J. Brown
President of the Senate

[Signature]
Speaker House of Delegates

The within *approved* this the *11th* day of *March*, 1953.

William C. Masland
Governor



Filed in the Office of the Secretary of State of West Virginia
MAR 11 1953
D. PITT O'BRIEN,
SECRETARY OF STATE