

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1957

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ENROLLED

SENATE BILL NO. 142

(By Mr. Martin)

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PASSED Feb 25 1957

In Effect July 1, 1957 Passage



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**Senate Bill No. 142**

(By MR. MARTIN)

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[Passed February 25, 1957; in effect July 1, 1957.]

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AN ACT to amend article one, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seventy-nine-a, providing for special conditions to be met by foreign corporations whose sole activities within this state are the acquisition by purchase of loans secured by liens on real estate located within this state, and all acts incidental and necessary thereto.

*Be it enacted by the Legislature of West Virginia:*

That article one, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be

amended by adding thereto a new section, designated section seventy-nine-a, to read as follows:

Section 79-a. *Foreign Corporations; Activities Per-*  
mitted, *Filing and Fees.*—The provisions of section  
seventy-nine of this article shall not be applicable to,  
nor affect, any foreign corporation heretofore, or here-  
after doing business in this state within the meaning of  
this section or any other statute, including but not limited  
to, chapter thirty-three of this code, by reason of carry-  
ing on in this state any one or more of the following  
activities: (a) The acquisition by purchase of loans se-  
cured by mortgages or deeds of trust, drawn and exe-  
cuted in compliance with chapter thirty-eight, article  
one-a, section two, of this code on property situated in  
West Virginia pursuant to commitment agreements or  
arrangements made prior to or following the origination  
or creation of said loans; (b) the ownership, modification,  
renewal, extension, transfer or foreclosure of such loans,  
or the acceptance of substitute or additional obligors  
thereon; (c) the maintaining or defending of any actions  
or suits relative to such loans, mortgages or deeds of trust;

20 (d) the maintenance of bank accounts in West Virginia  
21 banks in connection with the collection or servicing of  
22 such loans; (e) the making, collection and servicing of  
23 such loans through a West Virginia concern engaged in  
24 the business of servicing real estate loans for the in-  
25 vestors; (f) the taking of deeds to the mortgaged prop-  
26 erty either in lieu of foreclosure or for the purpose of  
27 transferring title either to the federal housing adminis-  
28 tration or to the veterans administration as the insurer  
29 or guarantor; (g) the acquisition of title to property  
30 under foreclosure sale or from the owner in lieu of fore-  
31 closure; (h) the management, rental, maintenance and  
32 sale, or the operating, maintaining, renting or otherwise  
33 dealing with, selling or disposing of real property ac-  
34 quired under foreclosure sale or by agreement in lieu  
35 thereof; and (i) the physical inspection and appraisal of  
36 property in West Virginia as security for deeds of trust  
37 or mortgages and negotiations for the purchase of such  
38 loans: *Provided, however,* That if property acquired in  
39 or by reason of any of the activities defined in the pro-  
40 visions of (f), (g) and (h) hereof shall be held longer

41 than a period of one year, the provisions of this section  
42 shall be inapplicable. Such foreign corporations shall file  
43 with the secretary of state a certificate showing the name  
44 and address of the corporation, the name of the state  
45 wherein the corporation was chartered and including  
46 therewith a certified copy of its articles of association or  
47 incorporation, including all amendments thereto, and  
48 shall pay a filing fee of fifty dollars. The corporation  
49 shall likewise file with the secretary of state a certified  
50 copy of all amendments subsequently made to its articles  
51 of association or incorporation within six months from the  
52 date of any such amendment, and failure to file any such  
53 amendment shall subject such corporation to a fine of not  
54 more than one thousand dollars. The provisions of section  
55 seventy-one of this article relating to service of process  
56 on foreign corporations shall be applicable to the foreign  
57 corporations mentioned in this section.

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

*E. H. B. B. B.*  
Chairman Senate Committee

*R. F. Dean*  
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1957 passage.

*Thomas H. H.*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Palmer J. Bean*  
President of the Senate

*W. B. H.*  
Speaker House of Delegates

The within approved this the second  
day of March, 1957.

*Geoff. H. H.*  
Governor



Filed in the Office of the Secretary of State  
MAR 2 - 1957  
of West Virginia  
D. PITT O'BRIEN  
SECRETARY OF STATE