

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

Committee Substitute For
HOUSE BILL No. 347

(By ~~At~~ *The Committee on the Judiciary*)



PASSED March 5 1963

In Effect July 1, 1964 ~~Passage~~



Filed in Office of the Secretary of State
of West Virginia 3-16-63

JOE F. BURDETT
SECRETARY OF STATE

#347

ENROLLED
COMMITTEE SUBSTITUTE

For

House Bill No. 347

[Originating in the Committee on the Judiciary.]

[Passed March 5, 1963; in effect July 1, 1964.]

AN ACT to amend article one, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-a, relating to deeds of trust conveying personal property.

Be it enacted by the Legislature of West Virginia:

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

Section 1-a. Deeds of Trust Conveying Personal Property; Limitations on Application of this Article.—This article shall not apply to deeds of trust nor to any rights, duties or obligations created thereunder, unless such deed conveys real property or some interest therein. Deeds of trust conveying personal property are governed by article nine of chapter forty-six of this code. Whenever a deed of trust conveys both real and personal property, such deed may provide as to the sale or other disposition of the personal property involved either that this article or that article nine of chapter forty-six shall apply. If a deed of trust conveying both real and personal property does not so provide, the trustee may elect to proceed under either this article or under article nine of chapter forty-six as to the sale or other disposition of the personal property involved. In all other respects, article nine of chapter forty-six is applicable to the conveyance of personal property by deed of trust whether such deed conveys personal property only or both personal and real property. For purposes of this section, personal property is any property, right or interest in which a security in-

3 [Enr. Com. Sub. for H. B. No. 347

22 terest under article nine of chapter forty-six of this code

23 may be obtained or created.

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

Clay Parker
Chairman Senate Committee

Ethel L. Randall
Chairman House Committee

Originated in the House.

Takes effect July 1, 1964 ~~passage~~

J. Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Sigelbach
Speaker House of Delegates

The within approved this the 16th
day of March, 1963.

Howard W. Carson
Governor

