

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

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## ENROLLED

SENATE BILL NO. 177

(By Mr. Martin)

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PASSED March 12, 1965

In Effect Thirty days from Passage



FILED IN THE OFFICE OF  
JOE F. BURDETT  
SECRETARY OF STATE  
THIS DATE 3-19-65

#177

ENROLLED

Senate Bill No. 177

(By MR. MARTIN)

[Passed March 12, 1965; in effect ninety days from passage.]

AN ACT to amend and reenact section one-a, article one, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to deeds of trust conveying real property and/or personal property and certain limitations on the application of said article one.

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

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

**Section 1-a. Deeds of Trust Conveying Real and/or Personal Property; Limitations on Application of This Article.**

—A deed of trust may convey both real property or some

4 interest therein and personal property or only real prop-  
5 erty or some interest therein or only personal property  
6 in order to secure a debt. This article shall apply to  
7 deeds of trust that convey real property or some interest  
8 therein or both real property or some interest therein  
9 and personal property. Deeds of trust conveying only  
10 personal property are governed by article nine of chap-  
11 ter forty-six of this code. If the deed of trust conveys  
12 both real and personal property, a financing statement as  
13 to the personal property shall be required as specified in  
14 article nine, chapter forty-six of this code, and the trustee  
15 may proceed as to the sale or other disposition of the  
16 personal property involved under said article nine of chap-  
17 ter forty-six and of the real property involved under this  
18 article or he may proceed as to the sale or other disposi-  
19 tion of both the real and personal property involved  
20 under this article. In all other respects this article is  
21 applicable to the conveyance of real property by deed  
22 of trust, and article nine of chapter forty-six is applicable  
23 to the conveyance of personal property by deed of trust.  
24 For purposes of this section, personal property is any

25 property right or interest in which a security interest  
26 under article nine of chapter forty-six of this code may  
27 be obtained or created.

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

O. Ray Parker  
Chairman Senate Committee

James W. Loop  
Chairman House Committee

Originated in the Senate.

Takes effect ninty days from Passage.  
Howard Myers  
Clerk of the Senate

A. Blankenship  
Clerk of the House of Delegates

Howard Gibson  
President of the Senate

H. Leba White  
Speaker House of Delegates

The within approved this the 19  
day of March, 1965.

Harold C. Smith  
Governor