

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 768

(By Mr. Watson)



PASSED February 18, 1967

In Effect Ninety days from Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-2-67

826 #

ENROLLED
House Bill No. 768

(By MR. WATSON)

[Passed February 18, 1967; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article fourteen, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the appointment of substitute trustees by the circuit courts or the judges thereof in vacation; and authorizing the circuit courts, or the judges thereof in vacation, to appoint ancillary trustees of trusts, other than security trusts, created by will, deed or other writing, which include real property situate in this state in the event that the trustee of any such trust, or if there be more than one trustee, one or more of the trustees of any such trust, appointed by or under such will, deed or other writing and required under

the provisions thereof to act in respect of such real property, be a corporation or association chartered under the laws of any other state or jurisdiction which is not qualified under the laws of this state to hold property or transact business in this state, and refuses or is unable to so qualify.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 14. SUBSTITUTION OF TRUSTEES; POWERS OF SURVIVING OR REMAINING TRUSTEES.

§44-14-1. By circuit court or judge, for trustee in deed, will or other writing; appointment of ancillary trustee under certain circumstances.

1 When the trustee, or, if there is more than one trustee,
2 one or more of the trustees, in any will, deed or other
3 writing, die or remove beyond the limits of this state, or
4 decline to accept the trust, or having accepted, resign the
5 same, or refuse to act as trustee, the circuit court of the
6 county in which such will was admitted to probate, or
7 such deed or other writing is or may be recorded, or the
8 judge of such court in vacation, may, on motion of any
9 party interested, and upon satisfactory evidence of such

10 death, removal, declination, resignation, or refusal, ap-
11 point a trustee or trustees in the place of the trustee or
12 trustees named in such instrument and so dying, re-
13 moving, declining, resigning or refusing.

14 If any such trust, other than a security trust, include
15 real property situate in this state, and the trustee, or,
16 if there be more than one trustee, one or more of the
17 trustees, appointed by or under the will, deed or other
18 writing creating such trust and required under the pro-
19 visions thereof to act in respect of such real property,
20 be a corporation or association chartered under the laws
21 of any other state or jurisdiction which is not qualified
22 under the laws of this state to hold property or transact
23 business in this state, and refuses or is unable to so
24 qualify, such court, or the judge thereof in vacation,
25 may in like manner appoint an ancillary trustee of such
26 trust to act with respect to such real property situate in
27 this state pursuant to, and with all the powers and
28 authorities granted to the trustee or trustees of such trust
29 by, the provision of the will, deed or other writing
30 creating such trust.

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

William Tompos
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Thomas Keyes
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Eubank
President of the Senate

H. Laker White
Speaker House of Delegates

The within approved this the 1st
day of March, 1967.

Sweetie C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 2-24-67

Time 1:45 P.M.