

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1968



ENROLLED

HOUSE BILL No. 318

(By Mr. Stephens and Mr. Stamp)



PASSED February 6, 1968

In Effect Ninety days from Passage



FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 2-16-68

# 318

**ENROLLED**  
**House Bill No. 318**

(By MR. STEPTOE and MR. STAMP)

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[Passed February 6, 1968; in effect ninety days from passage.]

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AN ACT to amend and reenact section four, article one, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the publication of a notice of sale under a trust deed.

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

That section four, 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:

**ARTICLE 1. VENDOR'S AND TRUST DEED LIENS.**

**§38-1-4. Notice of sale.**

1     When any property is about to be sold under a trust  
2     deed, the trustee shall, unless it be otherwise provided

3 in such trust deed, or in the opinion of the trustee the  
4 property to be sold be of less value than three hundred  
5 dollars, publish a notice of such sale as a Class III legal  
6 advertisement in compliance with the provisions of article  
7 three, chapter fifty-nine of this code, and the publica-  
8 tion area for such publication shall be the county where  
9 the property is located. If, in the opinion of the trustee,  
10 the property be of less value than three hundred dollars,  
11 such notice of sale shall be posted at least twenty days  
12 prior thereto at the front door of the courthouse of the  
13 county in which the property to be sold is, and three  
14 other public places at least in the county, one of which  
15 shall be as near as the premises to be sold (in case the  
16 sale be of real estate) as practicable; and in all cases  
17 whether the notice be published or not, a copy of such  
18 notice shall be served on the grantor in such trust deed,  
19 or his agent or personal representative, if he or they be  
20 within the county, at least twenty days prior to the sale.  
21 Every notice of sale by a trustee under a trust deed shall  
22 show the following particulars: (a) The time and place  
23 of sale; (b) the names of the parties to the deed under

24 which it will be made; (c) the date of the deed; (d) the  
25 office and book in which it is recorded; (e) the quantity  
26 and description of the land or other property, or both,  
27 conveyed thereby; and (f) the terms of sale.

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

*William Tompoe*  
Chairman Senate Committee

*Clayton C. Davidson*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Norman Keyser*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*Howard W. Cannon*  
President of the Senate

*A. Latham White*  
Speaker of the House of Delegates

The within *approved* this the *14*  
day of *February*, 1968.

*Hubert C. Smith*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 2/12/68

Time 3:00 P.M.

RECEIVED

FEB 16 1 11 PM '68

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA