WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 508

(By Mr. Steptoe)

PASSED March 10 1972

In Effect 70 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 substitution of trustees by circuit court or judge for trustee in deed, will or other writing.

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, or be unable due to phys-
6 ical or mental disability to perform his or their duties un-
7 der the trust, the circuit court of the county in which such
8 will was admitted to probate, or such deed or other writing
9 is or may be recorded, or the judge of such court in vaca-
10 tion, may, on motion of any party interested, and upon
satisfactory evidence of such death, removal, declination, resignation, refusal or inability, appoint a trustee or trustees in the place of the trustee or trustees named in such instrument and so dying, removing, declining, resigning or refusing, or being unable to perform his or their duties under the trust.

If any such trust, other than a security trust, include real property situate in this state, and the trustee, or, if there be more than one trustee, one or more of the trustees, appointed by or under the will, deed or other writing creating such trust 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, such court, or the judge thereof in vacation, may in like manner appoint an ancillary trustee of such trust to act with respect to such real property situate in this state pursuant to, and with all the powers and authorities granted to the trustee or trustees of such trust by, the provision of the will, deed or other writing creating such trust.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 27th day of March, 1972.

Governor
PRESENTED TO THE GOVERNOR

Date  3/16/72
Time  2:10 p.m.