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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972



ENROLLED

HOUSE BILL No. 508

(By Mr. Stephens)



PASSED March 10 1972

In Effect 90 days from Passage

508



FILED IN THE OFFICE
JOHN W. CANTRELL, II
SECRETARY OF STATE
THIS DATE 3-28-72

ENROLLED

House Bill No. 508

(By MR. STEPTOE)

[Passed March 10, 1972; 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 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

11 satisfactory evidence of such death, removal, declination,
12 resignation, refusal or inability, appoint a trustee or trus-
13 tees in the place of the trustee or trustees named in such
14 instrument and so dying, removing, declining, resigning or
15 refusing, or being unable to perform his or their duties
16 under the trust.

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

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

Russell H. Beall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

Howard Robinson
Clerk of the Senate

V. A. Blankenship
Clerk of the House of Delegates

E. Dana McCauley
President of the Senate

Lewis F. B. Barnes
Speaker House of Delegates

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

Paul A. Moore, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/16/72

Time 2:10 p.m.