

Date 2-1-80

Time 12:30 p.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980



ENROLLED

Committee Substitute for

HOUSE BILL No. 877

(By Mr. Brewer)



Passed January 23, 1980

In Effect July 1, 1980 ~~Passage~~



110. 877

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 877

(By MR. GREER)

(Originating in the House Committee on the Judiciary)

[Passed January 23, 1980; in effect July 1, 1980.]

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 vendor's liens and deed of trust liens generally; notice by publication of the trustee sale pursuant to deeds of trust and prohibiting the waiver of such publication of notice.

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 Unless property is to be sold under a deed of trust executed
- 2 and delivered prior to the first day of July, one thousand nine
- 3 hundred eighty, which contains a provision waiving the re-

4 quirement of published notice, or the property to be sold is in
5 the opinion of the trustee of less value than three hundred
6 dollars, the trustee shall publish a notice of such sale as a
7 Class III legal advertisement in compliance with the provisions
8 of article three, chapter fifty-nine of this code, and the publi-
9 cation area for such publication shall be the county where the
10 property is located. If, in the opinion of the trustee, the prop-
11 erty be of less value than three hundred dollars, such notice
12 of sale shall be posted at least twenty days prior thereto at
13 the front door of the courthouse of the county in which the
14 property to be sold is, and three other public places at least
15 in the county, one of which shall be as near as the premises to
16 be sold (in case the sale be of real estate) as practicable; and
17 in all cases whether the notice be published or not, a copy of
18 such notice shall be served on the grantor in such trust deed,
19 or his agent or personal representative, if he or they be within
20 the county, at least twenty days prior to the sale, unless
21 service of such notice be expressly waived by the grantor in
22 any such trust deed. Every notice of sale by a trustee under a
23 trust deed shall show the following particulars: (a) The time
24 and place of sale; (b) the names of the parties to the deed under
25 which it will be made; (c) the date of the deed; (d) the office
26 and book in which it is recorded; (e) the quantity and descrip-
27 tion of the land or other property, or both, conveyed thereby;
28 and (f) the terms of sale: *Provided*, That except as expressly
29 provided in this section, no trust deed shall waive the require-
30 ments of publication of notice as required by this section.

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

James L. Davis
Chairman Senate Committee

James C. Chastain
Chairman House Committee

Originated in the House.

Takes effect July 1, 1980.

Todd C. Wick
Clerk of the Senate

CA Blankenship
Clerk of the House of Delegates

H. J. B. B. B.
President of the Senate

Clayton M. Lee, Jr.
Speaker House of Delegates

The within is approved this the 1
day of February, 1980.

J. B. B. B.
Governor

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OFFICE OF THE GOVERNOR

FROM THE STATE

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