Senate Bill No. 360 1 2 (By Senators Tucker and Plymale) 3 4 [Introduced January 20, 2012; referred to the Committee on the 5 Judiciary.] 6 7 8 9 10 A BILL to amend the Code of West Virginia, 1931, as amended, by 11 adding thereto a new section, designated §38-11-17, relating 12 to the rights of the purchaser of personal property at a foreclosure sale; and requiring notice be given. 13 14 Be it enacted by the Legislature of West Virginia: 15 That the Code of West Virginia, 1931, as amended, be amended 16 by adding thereto a new section, designated §38-11-17, to read as 17 follows: MISCELLANEOUS LIENS AND PLEDGES. 18 **ARTICLE 11**. 19 §38-11-17. Personal property foreclosure; abandonment. 20 Providing that thirty days' notice has been given to a former 21 owner of personal property sold at a foreclosure sale to remove 22 that property, and where that property has not been removed, the 23 property shall be considered abandoned and may be disposed of as 24 the purchaser wishes. The notice required by this section shall be 25 to the former owner of the property at the address listed on the 26 lien or deed of trust by certified mail. The notice is complete

- 1 when mailed, notwithstanding the fact that the notice may be
- 2 returned as unclaimed or refused.

NOTE: The purpose of this bill is to grant the purchaser of personal property at a foreclosure sale the right of disposal provided notice has been given to the original owner.

This section is new; therefore, strike-throughs and underscoring have been omitted.