

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**Introduced**

## **House Bill 4529**

BY DELEGATE CRISS AND NELSON

[Introduced January 24, 2020; Referred to the  
Committee on the Judiciary.]



1 A BILL to amend and reenact §7-25-22 of the Code of West Virginia, 1931, as amended, relating  
2 to the collection of assessments and the priority of liens on property within a resort area  
3 district.

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

**ARTICLE 25. RESORT AREA DISTRICTS.**

**§7-25-22. Liens; recording notice of liens; priority; release of lien; notice to future property owners.**

1 (a) With the exception of property exempt from assessment pursuant to §7-25-18 of this  
2 code, there shall be a lien on all real property located within the resort area district for the  
3 assessments imposed by §7-25-17 of this code, which lien shall attach to those parcels made  
4 subject to the assessment on the date specified in the notice to property owners. A notice of the  
5 liens of said assessments referring to the assessing resolution and setting forth a list of the  
6 property assessed, described respectively as to amounts of assessment, ownership and location  
7 of the property, shall be certified, by the ~~chairman~~ chair and secretary of the board, to the clerk of  
8 the county commission of the county wherein the project is located. The county clerk shall record  
9 the notice of ~~such~~ the lien in the appropriate trust deed book or other appropriate county lien book  
10 and index the same in the name of each owner of real property assessed. From the date of an  
11 assessment, the trustee, for the benefit of bondholders if assessment bonds are issued by the  
12 resort area district, and/or the district shall have ~~such~~ the lien and shall be entitled to enforce the  
13 same in its, his, her or their name to the extent of the amount, including principal and interest and  
14 any penalty due for any failure to pay an installment when due, of such assessments and against  
15 the property to which the assessment applies, as to any assessment not paid as and when due.  
16 The trustee or the district, as an alternative to the enforcement provision set forth in §7-25-21 of  
17 this code, are granted all legal remedies as are necessary to collect the assessment. ~~Such~~ The  
18 assessments ~~shall be~~ are and constitute liens for the benefit of the resort area district or the  
19 trustee, for the benefit of bondholders if assessment bonds are issued by the resort area district,

20 upon the respective lots and parcels of land assessed and shall have priority over all other liens  
21 except to those for land taxes due the state, county and municipality and except any liens for  
22 preexisting special assessments provided under this code and except against a lien creditor,  
23 including without limitation any lien creditor secured by a deed of trust lien, with respect to any of  
24 the lots or parcels of land with a lien properly recorded with the Clerk of the County Commission  
25 of the county in which the lots or parcels of land is located prior to the time that the notice of the  
26 assessment lien is recorded. If any assessment is revised in accordance with this article, the lien  
27 created by this section shall extend to the assessment so revised and shall have the same priority  
28 as the priority of the lien created upon the laying of the original assessment. ~~Such~~ The  
29 assessments and interest thereon shall be paid by the owners of the property assessed as and  
30 when the installments are due. Following the payment in full of any assessment bonds including  
31 any interest thereon, the ~~chairman~~ chair and secretary of the board shall execute a release of all  
32 liens and shall certify the same to county clerk for recondition.

33 (b) Following the grant of any assessment on property as provided in this article, the seller  
34 of such property shall provide reasonable disclosure to the buyer in the real estate contract that  
35 an assessment has been granted on the property, the amount of the assessment and the duration  
36 of the assessment.

NOTE: The purpose of this bill is to add an exception to the priority of a lien for the benefit of a resort area district.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.