

West Virginia (WV) Foreclosure Laws

When you develop a definite plan of action with well-timed, well-informed steps, you can stop the foreclosure process and save your home. We have outlined the foreclosure process for the state of West Virginia.

Judicial Foreclosure Available::yes
Non-judicial Foreclosure Available::yes

Although judicial foreclosure is available for vendor's lien foreclosures. West Virginia uses the deed of trust almost exclusively. Mortgages have largely disappeared. If there is a default under the deed of trust, then the trustee must send out preliminary notices and then sell the property when the lender so requests.

Preliminary Notices

Contents

A notice of sale must contain the time and place of the foreclosure sale, the names of the parties to the deed, the date of the deed, recording information, a property description and the terms of the sale.

Advertising

In pre-1980 deeds of trust the buyer may have waived the right to published notice. Later deeds of trust must publish a Class III legal advertisement countywide before the sale at least once a week for four weeks.

Posting

The notice of sale must be posted at least 20 days prior to sale on the front door of the courthouse for the county in which the property to be sold is located, and in three other public places, one of which must be the property to be foreclosed on.

Service

Unless expressly waived in the deed of trust, the borrower must be served with a copy of the notice of foreclosure at least 20 days before the foreclosure sale.

Mailing

Notice of the foreclosure sale should be mailed to the borrower and subordinate lien holders 20 days prior to sale.

Sale Procedures**Time and Place**

The time and place of sale are specified in the foreclosure notice.

Manner

The sale is completed by public auction to the highest bidder.

Terms

The deed may specify the terms of sale. Otherwise, a buyer may pay one-third in cash at the sale, one-third a year later, and one-third two years from the day of sale.

Report

A report of the sale must be filed with the clerk of the county and recorded.

Deficiency

A lender can maintain a deficiency action only by filing a separate lawsuit. However, if the lawsuit is filed to collect, the deed of trust foreclosure must then be delayed during the lawsuit.

Redemption

There is no right to redeem after a deed of trust sale.