1   **VIRGINIA ACTS OF ASSEMBLY — CHAPTER**

2   *An Act to amend and reenact § 64.1-145 of the Code of Virginia, relating to damages resulting from*
3   *legal malpractice concerning irrevocable trusts.*

4   [H 1063]
5   Approved

6   **Be it enacted by the General Assembly of Virginia:**
7   **1. That § 64.1-145 of the Code of Virginia is amended and reenacted as follows:**
8   § 64.1-145. Action for goods carried away, waste or damage to estate of decedent.
9   *A.* Any action at law for damages for the taking or carrying away of any goods, or for the waste,
10 destruction of, or damage to any estate of or by the decedent, whether such damage be direct or indirect,
11 may be maintained by or against the decedent's personal representative. ~~Any such action shall survive~~
12 ~~pursuant to § 8.01-25.~~
13   *B. An action at law for damages, including future tax liability, to the grantor, his estate or his trust,*
14 *resulting from legal malpractice concerning an irrevocable trust shall accrue upon completion of the*
15 *representation in which the malpractice occurred. The action may be maintained pursuant to § 8.01-281*
16 *by the grantor, or by the grantor's personal representative or the trustee if such damages are incurred*
17 *after the grantor's death. An action for damages pursuant to this section in which a written contract for*
18 *legal services existed between the grantor and the defendant shall be brought within five years after the*
19 *cause of action accrues. An action for damages pursuant to this section in which an unwritten contract*
20 *for legal services existed between the grantor and the defendant shall be brought within three years*
21 *after the cause of action accrues. Notwithstanding this section, no such action shall be based upon*
22 *damages that may reasonably be avoided or that result from a change of law subsequent to the*
23 *representation upon which the action is based.*
24   *C. Any action pursuant to this section shall survive pursuant to § 8.01-25.*
25 **2. That the provisions of this act are declaratory of existing law.**