

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 55-546.04 of the Code of Virginia, relating to the validity of a revocable*
3 *trust.*

4 [H 2836]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 55-546.04 of the Code of Virginia is amended and reenacted as follows:**

8 § 55-546.04. Limitation on action contesting validity of revocable trust; distribution of trust property.

9 A. A person may commence a judicial proceeding to contest the validity of a trust that was revocable
10 at the settlor's death within the earlier of:

11 1. Two years after the settlor's death; or

12 2. Six months after the trustee sent the person a copy of the trust instrument and a notice informing
13 the person of the trust's existence, of the trustee's name and address, and of the time allowed for
14 commencing a proceeding.15 B. Upon the death of the settlor of a trust that was revocable at the settlor's death, the trustee may
16 proceed to distribute the trust property in accordance with the terms of the trust. The trustee is not
17 subject to liability for doing so unless:

18 1. The trustee knows of a pending judicial proceeding contesting the validity of the trust; or

19 2. A potential contestant has notified the trustee of a possible judicial proceeding to contest the trust
20 and a judicial proceeding is commenced within 60 days after the contestant sent the notification.21 3 C. A beneficiary of a trust that is determined to have been invalid is liable to return any
22 distribution received.

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