

2010 SESSION

INTRODUCED

10103293D

HOUSE BILL NO. 1193

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend the Code of Virginia by adding a section numbered 8.01-6.3, relating to actions or suits involving fiduciaries; style of the case; amendment of pleading.

Patron—Griffith

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-6.3 as follows:

§ 8.01-6.3. Actions or suits against fiduciaries; style of the case; amendment of pleading.

A. In any action or suit required to be prosecuted or defended by or in the name of a fiduciary, including a personal representative, trustee, conservator, or guardian, the style of the case in regard to the fiduciary shall be substantially in the following form: "(Name of the subject of the fiduciary relationship) through (Name of fiduciary), (type of fiduciary relationship)."

B. Any failure to comply with the requirements of subsection A shall not affect the validity of any judgment or pleading. Any pleading filed that does not conform to the requirements of subsection A shall be amended on the motion of any party or by the court on its own motion. Such amendment relates back to the date of the original pleading.

2. That the provisions of this act shall apply to any action or suit pending as of the effective date of this act.

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