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HOUSE BILL NO. 1193

House Amendments in [] - February 1, 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 Prior to Engrossment—Delegate 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~~ prosecuted or defended by or in the name of] 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.

ENGROSSED

HB1193E