

13104146D

SENATE BILL NO. 757

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Edwards

on January 21, 2013)

(Patron Prior to Substitute—Senator Edwards)

A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 1 of Title 64.2 a section numbered 64.2-109, relating to no-contest clauses; exceptions.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 1 of Title 64.2 a section numbered 64.2-109 as follows:

§ 64.2-109. Limitations on penalty clause for contest.

A provision of a will or trust instrument purporting to penalize an interested person for contesting the will or trust or instituting other proceedings relating to an estate or trust is unenforceable with respect to an action that does not question or challenge the validity of the will or trust but instead seeks only to interpret or enforce the instrument or to assure that it is administered pursuant to its terms and applicable law.

SENATE SUBSTITUTE

SB757S1