

14103294D

HOUSE BILL NO. 551

Offered January 8, 2014

Prefiled January 6, 2014

A *BILL to amend and reenact § 64.2-409 of the Code of Virginia, relating to wills of living persons lodged for safekeeping with clerks of certain courts.*

Patron—Filler-Corn

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 64.2-409 of the Code of Virginia is amended and reenacted as follows:****§ 64.2-409. Wills of living persons lodged for safekeeping with clerks of certain courts.**

A. A person or his attorney may, during the person's lifetime, lodge for safekeeping with the clerk of the circuit court serving the jurisdiction where the person resides any will executed by such person *or a sealed envelope inscribed with the following information:*

1. *The name of the testator;*

2. *A written statement that the envelope contains a will executed by the testator;*

3. *The testator's residence address; and*

4. *a. The last four digits of the testator's social security number;*

b. The testator's driver's license number or a Virginia Department of Motor Vehicles-issued identification card number; or

c. The testator's unexpired United States passport number.

~~The~~ *In the case of receipt of a will, the clerk shall receive such will and give the person lodging it a receipt. The clerk shall (i) place the will in an envelope and seal it securely, (ii) number the envelope and endorse upon it the name of the testator and the date on which it was lodged, and (iii) index the same alphabetically in a permanent index that shows the number and date such will was deposited. In the case of receipt of a sealed envelope, the clerk shall receive such envelope and give the person lodging it a receipt. The clerk shall (a) number the envelope and endorse upon it the date on which it was lodged and (b) index the same alphabetically in a permanent index that shows the number and date such sealed envelope was deposited.*

B. An attorney-at-law, bank, or trust company that has held a will for safekeeping for a client for at least seven years and that has no knowledge of whether the client is alive or dead after such time may lodge such will with the clerk as provided in subsection A.

C. The clerk shall carefully preserve the *envelope or* envelope containing the will unopened until it is returned to the testator or his nominee in the testator's lifetime upon request of the testator or his nominee in writing or until the death of the testator. If such will *or sealed envelope* is returned during the testator's lifetime and is later returned to the clerk, it shall be considered to be a separate lodging under the provisions of this section.

D. Upon notice of the testator's death, the clerk shall open the will *or sealed envelope* and deliver the same to any person entitled to offer ~~it~~ *its contents* for probate.

E. The clerk shall charge a fee of \$2 for lodging, indexing, and preserving a will *or sealed envelope* pursuant to this section.

F. The provisions of this section are applicable only to the clerk's office of a court where the judge or judges of such court have entered an order authorizing the use of the clerk's office for such purpose.

INTRODUCED

HB551