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**HOUSE BILL NO. 383**

Offered January 10, 2018

Prefiled January 5, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 64.2-509.1, relating to missing-heir search firms; void contracts.*

Patron—Habeeb

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 64.2-509.1 as follows:**

**§ 64.2-509.1. Missing-heir search firms; void contracts.**

A. For purposes of this section, "missing-heir search firm" means any person or entity that (i) engages in the business of identifying, locating, and contacting heirs or potential heirs to an estate for which the personal representative or other fiduciary granted administration of such estate has filed an affidavit that such heirs, or such heirs' addresses, are unknown to him, pursuant to subsection D of § 64.2-509, and (ii) charges such heirs or potential heirs a fee to assist or represent such heirs or potential heirs in claiming, or attempting to claim, any portion of the estate to which such heir or potential heir may be entitled.

B. Prior to 36 months from the date of a decedent's death, any contract or agreement entered into between a missing-heir search firm and an heir or potential heir to such decedent's estate for which the personal representative or other fiduciary granted administration of such estate has filed an affidavit that such heir, or such heir's address, is unknown to him, pursuant to subsection D of § 64.2-509, is against public policy, void, and unenforceable.

C. Nothing in this section shall prohibit a personal representative or other fiduciary granted administration of an estate from initiating or entering into a contract with a missing-heir search firm to locate heirs or potential heirs that are unknown, or whose addresses are unknown, to locate such an heir or potential heir.

INTRODUCED

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