

# 2021 SESSION

INTRODUCED

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## SENATE BILL NO. 1124

Offered January 13, 2021

Prefiled December 22, 2020

A *BILL to amend and reenact § 64.2-403 of the Code of Virginia, relating to execution of wills; witnesses.*

Patron—Obenshain

Referred to Committee on the Judiciary

### Be it enacted by the General Assembly of Virginia:

1. That § 64.2-403 of the Code of Virginia is amended and reenacted as follows:

#### § 64.2-403. Execution of wills; requirements.

A. No will shall be valid unless it is in writing and signed by the testator, or by some other person in the testator's presence and by his direction, in such a manner as to make it manifest that the name is intended as a signature.

B. A will wholly in the testator's handwriting is valid without further requirements, provided that the fact that a will is wholly in the testator's handwriting and signed by the testator is proved by at least two disinterested witnesses.

C. A will not wholly in the testator's handwriting is not valid unless the signature of the testator is made, or the will is acknowledged by the testator, in the presence of at least two competent *and disinterested* witnesses who are present at the same time and who subscribe the will in the presence of the testator. No form of attestation of the witnesses shall be necessary.

D. *For the purposes of this section, a "disinterested witness" is a person who has no personal or beneficial interest in the will. The fact that a person is named in the will as executor, trustee, or guardian, or as counsel for the estate, personal representative, trustee, or guardian does not give him a personal or beneficial interest in the will.*

2. That the provisions of this act apply to wills executed on or after July 1, 2021, and do not affect the validity of any will executed prior to July 1, 2021.

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