

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 327

*An Act to amend and reenact § 64.1-134 of the Code of Virginia, relating to filing lists of heirs for estates.*

[H 198]

Approved April 5, 1994

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

**1. That § 64.1-134 of the Code of Virginia is amended and reenacted as follows:**

§ 64.1-134. List of heirs.

Every (i) personal representative of a decedent, whether such decedent died testate or intestate, ~~shall~~, at the time of his qualification, and (ii) *proponent of a will where there is no qualification of a personal representative, when the will is presented for probate, shall* furnish the court or clerk before which or before whom he qualifies and the clerk of court of any city or county wherein deeds are recorded, in which the decedent died seized of any real estate, a list containing his name, with his post-office and street address, if any, and:

(1) The names and, as far as possible, the ages and addresses of the heirs of his decedent, if intestate; or, if his decedent died testate, the names, ages and addresses of those persons who would have been the decedent's heirs had he died intestate; and

(2) The degree of kinship of each to the decedent, accompanied by affidavit that he has made diligent inquiry as to such names, ages and addresses and that he believes such list to be true and correct.

If there has been no qualification of a personal representative within thirty days following death, a list of heirs, *made under oath*, may be filed by any heir ~~or devisee~~ *at law of a decedent who died intestate*.

*Any list of heirs filed pursuant to this section shall be made under oath.*

The clerk shall record such list in the will book and index in the name of the decedent as grantor and the heirs as grantees. Such list so made and recorded shall be prima facie evidence of the facts therein stated. The cost of recording such list shall be deemed a part of the cost of administration and be paid out of the estate of the decedent. Such personal representative shall not receive any compensation for his services until such list is filed unless he files an affidavit before the commissioner of accounts that the heirs are unknown to him and that after diligent inquiry he has been unable to ascertain their names, ages or addresses, as the case may be.