

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 211

An Act to amend and reenact § 64.1-13 of the Code of Virginia, relating to augmented estate; when and how the elective share may be claimed.

[H 1724]

Approved March 14, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 64.1-13 of the Code of Virginia is amended and reenacted as follows:

§ 64.1-13. When and how elective share may be claimed.

A. Whether or not (i) any provision for a husband or wife is made in the spouse's will, or (ii) the spouse dies intestate, the ~~survivor~~ *surviving husband or wife of a decedent who dies domiciled in this Commonwealth* may, within six months from the later of (i) the time of the admission of the will to probate or (ii) the qualification of an administrator on the intestate estate, claim an elective share in the spouse's augmented estate. The claim to an elective share shall be made either in person before the court having jurisdiction over administration of the decedent's estate or by writing recorded in such court, or the clerk's office thereof, upon such acknowledgment or proof as would authorize a writing to be admitted to record under Chapter 6 (§ 55-106 et seq.) of Title 55.

B. *The right, if any, of the surviving husband or wife of a decedent who dies domiciled outside this Commonwealth to take an elective share amount based upon the value of property in this Commonwealth is governed by the law of the decedent's domicile at death.*