

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 64.1-45.1, relating to wills;*
3 *incorporation of separate writings.*

4 [H 1230]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 64.1-45.1 as follows:**8 *§ 64.1-45.1. Separate writing identifying recipients of tangible personal property; liability for*
9 *distribution; action to recover property.*

10 *If a will refers to a written statement or list to dispose of items of tangible personal property not*
11 *otherwise specifically bequeathed, the statement or list shall be given effect to the extent that it*
12 *describes items of tangible personal property and their intended recipients with reasonable certainty and*
13 *is signed by the testator although it does not satisfy the requirements for a will. Bequests of a general*
14 *or residuary nature, whether referring only to personal property or to the entire estate, are not specific*
15 *bequests for the purpose of this section.*

16 *The written statement or list may be referred to as one which is in existence at the time of the*
17 *testator's death, may be prepared before or after the execution of the will, may be altered by the*
18 *testator at any time and may be a writing that has no significance apart from its effect on the*
19 *dispositions made by the will. When distribution is made pursuant to such a written statement or list, a*
20 *copy thereof shall be furnished to the commissioner of accounts along with the legatee's receipt.*

21 *A personal representative shall not be liable for any distribution of tangible personal property to the*
22 *apparent legatee under the testator's will made without actual knowledge of the existence of a written*
23 *statement or list, nor shall he have any duty to recover property so distributed. However, a person*
24 *named to receive certain tangible personal property in a written statement or list which is effective*
25 *under this section, may recover that property, or its value if the property cannot be recovered, from an*
26 *apparent legatee to whom it has been distributed in an action brought for that purpose within one year*
27 *after the probate of the testator's will.*

28 *This section shall not apply to a writing admitted to probate as a will and, except as provided*
29 *herein, shall not otherwise affect the law of incorporation by reference.*