

1995 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

LD9830000

SENATE BILL NO. 1026

Offered January 23, 1995

A BILL to amend and reenact § 8.01-389 of the Code of Virginia, relating to ex parte orders of foreign courts.

Patron—Benedetti

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-389 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-389. Judicial records as evidence; full faith and credit; recitals in deeds, deeds of trust, and mortgages; "records" defined.

A. The records of any judicial proceeding and any other official records of any court of this Commonwealth shall be received as prima facie evidence provided that such records are authenticated and certified by the clerk of the court where preserved to be a true record.

A1. The records of any judicial proceeding and any other official record of any court of another state or country, or of the United States, shall be received as prima facie evidence provided that such records are authenticated by the clerk of the court where preserved to be a true record, and similarly certified by a judge of that court.

B. Every court of this Commonwealth shall give such records of courts not of this Commonwealth the full faith and credit given to them in the courts of the jurisdiction from whence they come.

B1. In any instance in which a court not of this Commonwealth shall have entered an order limiting or preventing access by a Virginia citizen to the courts of this Commonwealth without notice to, and an opportunity for hearing by, such citizen, such foreign order shall not be entitled to full faith credit in any Virginia court.

C. Specifically, recitals of any fact in a deed or deed of trust of record conveying any interest in real property shall be prima facie evidence of that fact.

D. "Records" as used in this article, shall be deemed to include any memorandum, report, paper, data compilation, or other record in any form, or any combination thereof.

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