

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 64.1-184 of the Code of Virginia, relating to wills; sale of real estate;*
3 *payment of proceeds.*

4 [H 1270]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 64.1-184 of the Code of Virginia is amended and reenacted as follows:**

8 § 64.1-184. When sale within year valid against creditors; proceeds paid to special commissioner;
9 bond to obtain proceeds.

10 Any alienation of such estate made within one year after the death of the testator or intestate shall be
11 valid against creditors of such testator or intestate, if such estate ~~be~~ *is* sold and conveyed under and
12 pursuant to decrees of a court of competent jurisdiction in a proper suit for partition, sale of lands of
13 persons under disability, or other judicial sale, and the net proceeds of sale ~~thereof be~~ *are* paid to a
14 special commissioner appointed by the court for the purpose.

15 The net proceeds of sale shall be the purchase price for such estate including money, deferred
16 purchase money obligations, and other securities, remaining after the payment of the expenses of sale
17 ordinarily paid by the vendor in sales of such estates and the discharge of such indebtedness and
18 encumbrances for which, by law, such estate is primarily liable.

19 The net proceeds so paid shall be held by the special commissioner appointed by the court for the
20 purpose, in lieu and in place of such estate subject to the claims of creditors of the testator or intestate
21 in the same manner and to like extent in every respect as such estate would have been if not sold, for a
22 period ending no sooner than one year after the death of the testator or intestate, ~~at which time~~ *. Upon*
23 *expiration of the one-year period, or at any time within the one-year period upon the posting of a bond*
24 *with such surety as may be prescribed by the court to secure any claims against the property or*
25 *proceeds* , if no claim ~~shall have been~~ *has been* made or asserted against the net proceeds, they shall be
26 distributed by the special commissioner to those entitled thereto in proportion to the interest of each in
27 such estate; ~~provided that as to any sale made in conformity with the provisions of this section. A~~
28 ~~purchaser of any land so sold in conformity with the provisions of this section shall not be required to~~
29 ~~see to the application of the purchase money.~~

30 The special commissioner who receives and holds such net proceeds *or refunding bond* shall give
31 such bond as may be required by the court appointing him.