

1997 SESSION

INTRODUCED

974828613

SENATE BILL NO. 909

Offered January 15, 1997

A *BILL* to amend the Code of Virginia by adding a section numbered 64.1-49.1, relating to writings intended as wills.

Patrons—Benedetti, Earley, Edwards, Gartlan, Howell, Marsh, Norment, Quayle, Reynolds, Saslaw, Stolle, Trumbo and Williams; Delegate: Dudley

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 64.1-49.1 as follows:

§ 64.1-49.1. Writings intended as wills, etc.

Although a document or writing added upon a document was not executed in compliance with § 64.1-49, the document or writing shall be treated as if it had been executed in compliance with § 64.1-49 if the proponent of the document or writing establishes by clear and convincing evidence that the decedent intended the document or writing to constitute (i) the decedent's will, (ii) a partial or complete revocation of the will, (iii) an addition to or an alteration of the will, or (iv) a partial or complete revival of his formerly revoked will or of a formerly revoked portion of the will.

The remedy granted by this section is available only in proceedings in circuit court in which all interested persons are made parties, brought under the appropriate provisions of this title, that are filed within one year from the decedent's date of death.

The provisions of this section shall apply to all documents and writings of decedents dying on or after July 1, 1997, regardless of when such documents or writings came into existence.

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