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HOUSE BILL NO. 532

House Amendments in [] — February 10, 1998

A BILL to amend and reenact § 11-9.2 of the Code of Virginia, relating to powers of attorney.

Patron—Clement

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 11-9.2 of the Code of Virginia is amended and reenacted as follows:**

§ 11-9.2. Powers of attorney not revoked, prior to their termination date, until actual notice of death or disability.

(a) No agency created by a power of attorney in writing given by a principal shall be revoked or terminated by the death or disability of the principal as to the agent or other person who, without actual knowledge or actual notice of the death of the principal, has acted or acts, in good faith, under or in reliance upon such power of attorney or agency, and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the principal or ~~his~~ *the* heirs, devisees, legatees or personal representatives of the principal.

(b) An affidavit, executed by the attorney in fact or agent, setting forth that he has not, or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death, disability or otherwise, or notice of any facts indicating the same, shall, in the absence of ~~fraud~~ *[actual] knowledge to the contrary on the part of the person to whom such representations are made*, be conclusive proof of the nonrevocation or nontermination of the power at ~~such~~ *the time of the representation in an action by or against the person to whom the representation was made*. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this Commonwealth, such affidavit when authenticated for record in the manner prescribed by law shall likewise be recordable.

(c) This section shall not be construed so as to alter or affect any provision for revocation or termination contained in such power of attorney.

(d) Unless a power of attorney provides for a termination date which has occurred, the lapse of time since its execution shall not affect its validity or any actions taken thereunder.

ENGROSSED

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