

1998 SESSION

INTRODUCED

982907613

SENATE BILL NO. 8

Offered January 14, 1998

Prefiled December 11, 1997

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

Patron—Benedetti

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 a 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 (i) may not be used to excuse compliance with any requirement for a testator's signature, except in circumstances where two persons mistakenly sign each other's will, or a person signs the self-proving certificate to a will instead of signing the will itself and (ii) is available only in proceedings brought in a circuit court under the appropriate provisions of this title, filed within one year from the decedent's date of death and in which all interested persons are made parties.

The provisions of this section shall apply to all documents and writings of decedents dying on or after July 1, 1998, regardless of when such documents or writings came into existence.

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