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HOUSE BILL NO. 3181
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by Senator Stolle
 on February 16, 2007)

(Patron Prior to Substitute—Delegate McClellan)

A BILL to authorize the Governor to disclaim any interests of the Commonwealth in and to certain lots or parcels of real property in the City of Richmond previously determined to have escheated by virtue of an inquest proceeding and verdict of jury, dated December 29, 1989.

WHEREAS, by virtue of an inquest proceeding held pursuant to § 55-172 of the Code of Virginia and the verdict of jury therein, dated December 29, 1989, and recorded in the Clerk's Office of the Circuit Court of the City of Richmond in Deed Book 224, page 453, certain lots or parcels of real property in the City of Richmond were determined to have escheated to the Commonwealth; and

WHEREAS, the said verdict of jury, or escheat verdict, was not indexed in the name of the then last known owner or owners as listed for such properties in the escheat verdict; and

WHEREAS, it is in the public interest to authorize the Governor to disclaim any interest of the Commonwealth in and to such properties; therefore

Be it enacted by the General Assembly of Virginia:

1. § 1. Authorization of Governor to Disclaim Interests.

Notwithstanding any applicable provisions in the Code of Virginia or other laws of this Commonwealth, including those pertaining to escheats generally and to the disclaimer of property, and it being in the public interest to eliminate potential injury and loss due to the discovery of invalid title arising from certain prior escheat proceedings and inquest held in the City of Richmond that resulted in a verdict of jury dated December 29, 1989, and recorded in the Clerk's Office of the Circuit Court of the City of Richmond in Deed Book 224, page 453, evidencing the determination that specified properties therein listed had escheated to the Commonwealth, which escheat verdict was not indexed in the name of the then last known owner or owners thereof as therein listed for each lot or parcel, the Governor, acting for and on behalf of the Commonwealth, is hereby authorized to disclaim any and all right, title and interest of the Commonwealth in and to the lots or parcels of real property listed in the aforesaid verdict of jury, dated December 29, 1989, by the execution of an instrument of disclaimer which shall be recorded among the land records of the Circuit Court of the City of Richmond where deeds are recorded and indexed in the Grantor index under the Commonwealth of Virginia. Upon execution and recordation, the instrument of disclaimer shall be deemed to supersede and take precedence over the aforesaid verdict of jury, including any determinations of escheat therein contained, and upon its recordation, said disclaimer instrument shall have the legal force and effect of disclaiming, releasing and renouncing all of the right, title and interest of the Commonwealth of Virginia in and to each lot or parcel of real property listed in the aforesaid verdict of jury effective as of, and retroactive to, the date or dates that such properties or the title thereto escheated to the Commonwealth. The instrument of disclaimer (i) may describe the properties disclaimed through incorporation by reference to the recorded verdict of jury, (ii) shall expressly declare the disclaimer, release and renouncement of title and the extent thereof, and (iii) shall be signed and acknowledged by the Governor in the manner provided for deeds. The form of the disclaimer instrument shall be approved by the Attorney General. A copy of the recorded instrument shall be mailed to the Director of Finance for the City of Richmond.

§ 2. Confirmation to Current Owners.

The Commonwealth, acting through the Department of General Services, may confirm the foregoing, provided the state treasurer determines it appropriate so to do upon receipt of proof of ownership, including affidavits and other documentation as may be deemed sufficient, by execution and delivery of a quitclaim and release deed to the current owner or owners of any lot or parcel specified in the verdict, provided such deed has the prior approval of the Governor and has been approved as to form by the Attorney General.

§ 3. Effect of disclaimer on passing of title.

Upon recordation of such instrument of disclaimer, title to lots or parcels of real property disclaimed by the Commonwealth hereunder shall relate back and thereafter pass or descend, whether by deed, will, intestacy, condemnation, judicial sale, tax sale, or by operation of law, as if the escheat had never occurred. Further, nothing in this Act nor the recordation of an instrument of disclaimer shall affect the validity or finality of any order or decree entered in any prior condemnation or other judicial proceeding involving title to any of the properties listed in the aforesaid verdict of jury or the title acquired by any condemning authority. Nothing in this Act shall preclude the right of any person to pursue a suit to quiet title or other judicial remedy to clear the title to any affected lot or parcel as may be provided by law.