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SENATE BILL NO. 270

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 47.1-30 of the Code of Virginia, relating to permission for a fiduciary to notarize a will.

Patron—Norment

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 47.1-30 of the Code of Virginia is amended and reenacted as follows:

§ 47.1-30. Conflict of interests.

No notary shall perform any notarial act with respect to any document, writing, or electronic document to which the notary or his spouse is a party, or in which either of them has a direct beneficial interest, or where the notary is a signatory or is named in the document to be notarized. A notary nominated as a fiduciary in a will shall not, for that reason alone, be deemed a party to the will or to have a direct beneficial interest therein *or be disqualified from notarizing a will if he is only named in it to be nominated as a fiduciary therein.*

Any notary who violates the provisions of this section shall be guilty of official misconduct.

A notarial act performed in violation of this section shall not automatically be void for such reason, but shall be voidable in the discretion of any court of competent jurisdiction upon the motion of any person injured thereby.

INTRODUCED

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