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**HOUSE BILL NO. 230**

Offered January 13, 2016

Prefiled December 29, 2015

*A BILL to amend and reenact § 64.2-719 of the Code of Virginia, relating to judicial creation of trusts.*

Patrons—Minchew, Campbell, Collins and Howell

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 64.2-719 of the Code of Virginia is amended and reenacted as follows:****§ 64.2-719. Methods of creating trust.****A. A trust may be created by:**

1. Transfer of property to another person as trustee during the settlor's lifetime by the settlor or by the settlor's agent, acting in accordance with § 64.2-1612, under a power of attorney that expressly authorizes the agent to create a trust on the settlor's behalf; or by will or other disposition taking effect upon the settlor's death;

2. Declaration by the owner of property that the owner holds identifiable property as trustee;

3. Exercise of a power of appointment in favor of a trustee; or

4. A conservator acting in accordance with § 64.2-2023.

*B. A circuit court, upon petition from an interested party, may establish a trust with such trustee and such terms as the court determines. In an order establishing the trust, the court shall determine whether the trustee shall have a duty to qualify in the clerk's office; post bond, with or without surety; or file an inventory and annual accounting with the commissioner of accounts as would apply to a testamentary trustee.*

**2. That the provisions of this act are declarative of existing law.**

INTRODUCED

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