

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 64.2-409 of the Code of Virginia, relating to clerks of circuit courts;*  
3 *retention of wills for safekeeping.*

4 [S 1426]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 64.2-409 of the Code of Virginia is amended and reenacted as follows:**8 **§ 64.2-409. Wills of living persons lodged for safekeeping with clerks of certain courts.**

9 A. A person or his attorney may, during the person's lifetime, lodge for safekeeping with the clerk of  
10 the circuit court serving the jurisdiction where the person resides any will executed by such person. The  
11 clerk shall receive such will and give the person lodging it a receipt. The clerk shall (i) place the will in  
12 an envelope and seal it securely, (ii) number the envelope and endorse upon it the name of the testator  
13 and the date on which it was lodged, and (iii) index the same alphabetically in a permanent index that  
14 shows the number and date such will was deposited.

15 B. An attorney-at-law, bank, or trust company that has held a will for safekeeping for a client for at  
16 least seven years and that has no knowledge of whether the client is alive or dead after such time may  
17 lodge such will with the clerk as provided in subsection A.

18 C. The clerk shall carefully preserve the envelope containing the will unopened until it is returned to  
19 the testator or his nominee in the testator's lifetime upon request of the testator or his nominee in  
20 writing or until the death of the testator. If such will is returned during the testator's lifetime and is later  
21 returned to the clerk, it shall be considered to be a separate lodging under the provisions of this section.

22 D. Upon notice of the testator's death, the clerk shall open the will and deliver the same to any  
23 person entitled to offer it for probate.

24 E. The clerk shall charge a fee of \$2 for lodging, indexing, and preserving a will pursuant to this  
25 section.

26 F. The provisions of this section are applicable only to the clerk's office of a court where the judge  
27 or judges of such court have entered an order authorizing the use of the clerk's office for such purpose.

28 *G. The clerk may destroy any will that has been lodged in his office for safekeeping under this*  
29 *section for 100 years or more.*

ENROLLED

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