

2024 SESSION

SENATE SUBSTITUTE

24105821D

SENATE BILL NO. 63

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 12, 2024)

(Patron Prior to Substitute—Senator McDougle)

A *BILL to amend and reenact § 64.2-732 of the Code of Virginia, relating to modification or termination of uneconomic trust; notice.*

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-732 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-732. Modification or termination of uneconomic trust.

A. After notice to the qualified beneficiaries, the trustee of a trust consisting of trust property having a total value less than \$100,000 may terminate the trust *without court approval* if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration. *Notice required by this section shall be sent in accordance with § 64.2-707.*

B. The court may modify or terminate a trust or remove the trustee and appoint a different trustee if it determines that the value of the trust property is insufficient to justify the cost of administration.

C. Upon termination of a trust under this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust *and may simultaneously utilize the provisions of § 64.2-779.*

D. This section does not apply to an easement for conservation or preservation.

E. *Expenses incurred by the trustee incident to the termination of a trust pursuant to this section shall be paid by the trust estate.*

SENATE SUBSTITUTE

SB63S1