

1995 SESSION

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LD3956356

HOUSE BILL NO. 1171

Offered January 25, 1994

A *BILL to amend the Code of Virginia by adding a section numbered 64.1-49.1, relating to writings intended as wills.*

Patrons—Miller, Hargrove, Johnson, Katzen and Murphy; Senator: Miller, K.G.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 64.1-49.1 as follows:

§ 64.1-49.1. Writings intended as wills, etc.

Although a document or writing added upon a document was not executed in compliance with § 64.1-49, the document or writing is treated as if it had been executed in compliance with that section if the proponent of the document or writing establishes by clear and convincing evidence that the decedent intended the document or writing to constitute (i) the decedent's will, (ii) a partial or complete revocation of the will, (iii) an addition to or an alteration of the will, or (iv) a partial or complete revival of his formerly revoked will or of a formerly revoked portion of the will.

The remedy granted by this section is available only in inter partes proceedings in circuit court, brought under the appropriate provisions of this title, that are filed within two years from the decedent's date of death.

The provisions of this section shall apply to all documents and writings of decedents dying after June 30, 1994, regardless of when such documents or writings came into existence.

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