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HOUSE BILL NO. 1171

House Amendments in [] — January 12, 1995

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 shall be] treated as if it had been executed in compliance with [that section § 64.1-49] 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 [in which all interested persons are made parties] , brought under the appropriate provisions of this title, that are filed within [two one] year 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 1995] , regardless of when such documents or writings came into existence.

ENGROSSED

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