

1995 SESSION

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HOUSE BILL NO. 1230

Offered January 25, 1994

A BILL to amend the Code of Virginia by adding a section numbered 64.1-45.1, relating to will; incorporation by reference.

Patrons—Griffith, Crouch, Hargrove, Howell, Ingram, Kilgore and McClure; Senator: Bell

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 64.1-45.1 as follows:

§ 64.1-45.1. Incorporation of separate writing into a will.

A writing, referred to by a decedent in a will properly executed in accordance with this chapter, which purports to dispose of tangible personal property of the decedent may be incorporated by reference into the will provided (i) the reference made in the will to the writing describes the writing sufficiently to permit its identification and also refers to this section, (ii) the writing is signed by the decedent, notarized and kept with the will, (iii) the value of each item of tangible personal property disposed of pursuant to the list does not exceed \$250, and (iv) the total value of all such property does not exceed \$1,000. The writing shall for all purposes be deemed to be a part of the will. The fact that a decedent modified the writing after the will was executed shall not affect the validity of the writing or its incorporation in the will so long as the modifications were signed by the decedent and notarized when made.

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