

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 58

An Act to amend and reenact § 64.1-90 of the Code of Virginia, relating to extended time periods for attacking a will.

[H 527]

Approved March 4, 1996

Be it enacted by the General Assembly of Virginia:

1. That § 64.1-90 of the Code of Virginia is amended and reenacted as follows:

§ 64.1-90. Saving in favor of infants, persons of unsound mind.

Sections 64.1-84, 64.1-88 and 64.1-89 are subject to ~~this proviso~~ *these provisos*: that any person interested who has not otherwise been before the court and who, at the time of the decree or order, is under the age of eighteen years or of unsound mind may file a bill in equity to impeach or establish the will within one year after he becomes of age or is restored to ~~sanity~~ *sanity capacity*, as the case may be, and ~~that~~ any person interested who at ~~that time resides out of this Commonwealth or shall have~~ *has* been proceeded against by order of publication may, unless he actually appeared as a party or was personally summoned, file such bill within two years after such decree or order; ~~and, in the case of a decree or order entered prior to July 1, 1972, any person interested who has not otherwise been before the court and who was born between July 1, 1951, and July 1, 1954, may file a bill in equity to impeach or establish the will within one year after his next birthday occurring on or after July 1, 1972.~~