

1996 SESSION

INTRODUCED

962185152

HOUSE BILL NO. 527

Offered January 18, 1996

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

Patrons—Howell, Clement, McClure and Murphy

Referred to Committee for Courts of Justice

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~~ *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.~~

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