

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 263

An Act to amend the Code of Virginia by adding a section numbered 64.1-66.2, relating to spouse's survivorship under will or trust.

[H 2591]

Approved March 11, 1997

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 64.1-66.2 as follows:

§ 64.1-66.2. Construction of certain conditions of spouse's survivorship.

A. If property passes from the decedent or is acquired from the decedent by reason of the decedent's death under a will or trust that provides that the spouse of the decedent shall survive until the distribution of the gift, the will or trust shall be construed as requiring that the spouse survive until the earlier of the date on which the distribution occurs or the date six months after the date of the death of the testator or decedent, unless the court shall find that the decedent intended a contrary result.

B. The proceeding to determine whether the decedent intended that the spouse actually survive until the distribution of the gift shall be filed within twelve months following the death of the testator or grantor, and not thereafter. It may be filed by the personal representative or any affected beneficiary under the will or other instrument.