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Harrison on Wills and Administration for Virginia and West Virginia

Publication 62781

Release 8

November 2014

HIGHLIGHTS

Statutory and Case Updates

- This release contains updates for both Virginia and West Virginia cases and statutes.

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2014 Highlights Include:

Introductory Note: In 2012, the Virginia General Assembly passed legislation, which was approved by the Governor on April 4, 2012. The legislation, which became effective in October 2012, created Title 64.2 (Wills, Trusts, and Fiduciaries).

Title 64.2 is a revision of existing Titles 26, 31, and 64.1, as well as other titles of

the Code, which deal with fiduciaries and estate administration. Title 64.2 consists of 27 chapters divided into five subtitles:

As amended in 2012, the law was arranged in the following parts:

Subtitle I (General Provisions);

Definitions and General Provisions.

Subtitle II (Wills and Decedents' Estates);

Descent and Distribution.

Rights of Married Persons.

Wills.

Personal Representatives and Administration of Estates.

Transfers Without Qualification.

Subtitle III (Trusts);

Uniform Trust Code.

[Reserved.]

Uniform Custodial Trust Act.

Uniform Principal and Income Act.

Uniform Prudent Management of Insti-

tutional Funds Act.

Subtitle IV (Fiduciaries and Guardians);
and

Fiduciaries.

Commissioners of Accounts.

Inventories and Accounts.

Fiduciaries Generally.

Powers of Attorney.

Uniform Power of Attorney Act.

Guardianship of Minor.

Appointment of Guardian.

Custody and Care of Ward and Estate.

Virginia Uniform Transfers to Minors
Act.

Guardianship of Incapacitated Person.

Guardianship and Conservatorship.

Uniform Adult Guardianship and Pro-
tective Proceedings Jurisdiction Act.

Subtitle V (Provisions Applicable to Pro-
bate and Nonprobate Transfers).

Uniform Simultaneous Death Act.

Persons Presumed Dead.

Conservators of Property of Absen-
tees.

Acts Barring Property Rights.

Uniform Disclaimer of Property Inter-
ests Act.

Release of Powers of Appointment.

In 2014, additional changes were made
to the Virginia law. Those changes are also
reflected in the update.

For this Supplement, several references
to the revised statutes have been updated
and included in the sections of text; how-
ever, a future edition of the treatise will
provide comprehensive updates to the pres-
ent statutory references in Virginia. In the
interim, for your convenience, with a grate-
ful acknowledgment to David Cotter, Divi-
sion of Legislative Services, Common-
wealth of Virginia, who was instrumental
in the work of the Virginia Code Commis-
sion recodification of Title 64.2, the refer-
ence tables, which reflect the comparable
provisions in Titles 64.1 and 64.2, have
been retained.

**In addition to the changes made to
reflect new cases and laws, highlights for
this release include:**

**Appointment of Administrator for
Prosecution of Personal Injury or
Wrongful Death.** A discussion has been
added to reflect the Virginia Code provi-
sions governing appointment of an admin-
istrator for the prosecution of a personal
injury or wrongful death suit on the part of
a decedent. Such appointment is permitted
under the provisions of § 64.2-454 of the
Code of Virginia. [See § 12.12.]

Inventory and Appraisement. Chapter
13, relating to the inventory and appraise-
ment provisions in Virginia and West Vir-
ginia, has been restricted to enhance user
friendliness and ease of use. *See* Ch. 13.

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