

COMPARTIVE TABLE: TITLE 64.1 TO TITLE 64.2

Title 64.1	Title 64.2
CHAPTER 1. DESCENT AND DISTRIBUTION.	
64.1-01. Definition of "bona fide purchaser."	64.2-100
64.1-1. Course of descents generally.	64.2-200
64.1-2. How collaterals of half blood inherit.	64.2-202
64.1-3. When parties take per capita and when per stirpes.	64.2-202
64.1-4. When alienage of ancestor not to bar.	64.2-203
64.1-5.	Repealed 1978 Acts, c. 647
64.1-5.1. Meaning of child and related terms.	64.2-102
64.1-5.2. Evidence of paternity.	64.2-103
64.1-6.	Repealed 1978 Acts, c. 647
64.1-6.1. Persons related to decedent through two lines.	64.2-203
64.1-7.	Repealed 1978 Acts, c. 647
64.1-7.1	Repealed 1994 Acts, c. 919
64.1-8.	Repealed 1978 Acts, c. 647
64.1-8.1. Afterborn heirs.	64.2-204
64.1-9.	Repealed Acts 1970, c. 568
64.1-10. Right of entry not affected by descent cast.	64.2-205
64.1-11. Distribution of personal estate.	64.2-201
64.1-12. Right of Commonwealth, if no other distributee.	64.2-201
64.1-13. When and how elective share may be claimed.	64.2-302
64.1-14. Extension of time until after determination of suit for construction of will or extent of augmented estate.	64.2-303
64.1-15.	Repealed Acts 1970, c. 70
64.1-16. Rights upon claiming an elective share.	64.2-304
64.1-16.1. Augmented estate; exclusions; valuation.	64.2-300, 64.2-305
64.1-16.2. Charging spouse with gifts received; liability of others for balance of elective share; determination; satisfaction.	64.2-300, 64.2-306
64.1-16.3. Statutory rights barred by desertion or abandonment.	64.2-308
64.1-16.4. Rights in family residence.	64.2-307
64.1-17. In division of estate of intestate, advancements to be brought into hotchpot.	64.2-206
64.1-18.	Repealed Acts 1981, c. 469
CHAPTER 2. CURTESY, DOWER AND JOINTURE..	
64.1-19, 64.1-19.1.	Repealed Acts 1990, c. 831
64.1-19.2. Dower or curtesy abolished.	64.2-301
64.1-20 through 64.1-44.	Repealed Acts 1990, c. 831
CHAPTER 3. WILLS.	
Article 1. Requisites and Execution.	
64.1-45. "Will" construed.	64.2-100

COMPARTIVE TABLE: TITLE 64.1 TO TITLE 64.2

64.1-45.1. Separate writing identifying recipients of tangible personal property; liability for distribution; action to recover property.	64.2-400
64.1-45.2. Incorporation by reference; letter of instruction or memorandum into a will, power of attorney or trust instrument.	64.2-104
64.1-45.3. Nonprobate transfers on death.	64.2-620
64.1-46. Who may make a will; what estate may be disposed of.	64.2-401
64.1-47. Who may not make a will.	64.2-401
64.1-48. Advertisements to draw wills prohibited.	64.2-402
64.1-49. Will must be in writing, etc.; mode of execution; witnesses, and proof of handwriting.	64.2-403
64.1-49.1. Writings intended as wills, etc.	64.2-404
64.1-50. When execution of appointment by will valid.	64.2-406
64.1-51. Interested persons as competent witnesses.	64.2-405
64.1-52. [Reserved.]	Deleted
64.1-53. Will of personal estate of soldiers, seamen and nonresidents.	64.2-407, 64.2-408
64.1-54. Presumption of formal execution of wills made by persons in military service.	64.2-408
64.1-55. Validation of holographic wills.	Deleted
64.1-56. Wills of living persons lodged for safekeeping with clerks of certain courts.	64.2-409
64.1-57. Incorporation by reference of certain powers of fiduciaries into will or trust instrument.	64.2-105
64.1-57.1. Grant of such powers to personal representative or trustee by circuit court.	64.2-106
64.1-57.2. Power granted to personal representatives to make election regarding marital deduction as to certain qualifying terminable interest property; binding effect of election.	64.2-107
64.1-57.3. Power granted to personal representatives and trustees to donate conservation easements.	64.2-108
Article 2. Revocation, etc.	
64.1-58.	Repealed Acts 1985, c. 431
64.1-58.1. Revocation of wills generally.	64.2-410
64.1-59. Revocation by divorce or annulment; no revocation by other change; revival upon remarriage.	64.2-412
64.1-60. Revival of wills after revocation.	64.2-411
64.1-61. Effect of subsequent conveyance on will.	64.2-413
Article 3. Construction and Effect.	
64.1-62. Will to be construed as if made just before	64.2-414

COMPARTIVE TABLE: TITLE 64.1 TO TITLE 64.2

testator's death.	
64.1-62.1. Certain marital deduction formula clauses to be construed to refer to federal marital deduction allowable if decedent had died on December 31, 1981.	64.2-430
64.1-62.2. Certain powers of appointment construed to refer to federal gift tax exclusion in effect on date of execution.	64.2-431
64.1-62.3. How certain legacies and devises to be construed; nonademption in certain cases.	64.2-415
64.1-62.4. Certain formula clauses to be construed to refer to federal estate and generation-skipping transfer tax laws applicable to estates of decedents dying in 2010.	64.2-432
64.1-63.	Repealed Acts 1985, c. 432
64.1-63.1. When advancement deemed satisfaction of devise or bequest.	64.2-417
64.1-64.	Repealed Acts 1985, c. 592
64.1-64.1. When children or descendants of devisee, legatee, etc., to take estate.	64.2-418
64.1-65.	Repealed Acts 1985, c. 592
64.1-65.1. How devises and bequests that fail, etc., to pass.	64.2-416
64.1-66. Devises in general terms; how construed.	64.2-415
64.1-66.1.	Repealed Acts 1994, c. 917
64.1-66.2. Construction of certain conditions of spouse's survivorship.	64.2-421
64.1-67.	Repealed Acts 1985, c. 429
64.1-67.1. Exercise of power of appointment.	64.2-423
64.1-67.2.	Repealed Acts 2005, c. 935
64.1-68. Interest on pecuniary legacies.	64.2-425
64.1-69. When direction to purchase annuity binding on legatee.	64.2-424
64.1-69.1. When omitted spouse to take intestate portion.	64.2-422
64.1-70. Provision for pretermitted children when no child living when will made.	64.2-419
64.1-71. Provision for pretermitted children when child living when will made.	64.2-420
64.1-71.1. Construction of generic terms.	64.2-101
64.1-72. When reexecuted wills deemed to be made.	64.2-414
64.1-73. Devise or bequest to trustee of an established trust.	64.2-426
64.1-73.1. Testamentary additions to trusts.	64.2-427
64.1-74. Distribution of assets by fiduciaries in satisfaction of pecuniary bequests or transfers in trust of pecuniary amount.	64.2-428
64.1-74.1. Construction of trust provisions otherwise	64.2-429

COMPARITIVE TABLE: TITLE 64.1 TO TITLE 64.2

eligible for the election permitted under Section 2056 (b) (7) of the Federal Internal Revenue Code.	
Article 4. Probate.	
64.1-75. Jurisdiction of probate of wills.	64.2-443
64.1-75.1. Appointment of administrator for prosecution of action for personal injury or wrongful death against or on behalf of estate of deceased resident or nonresident.	64.2-454
64.1-76. Residence of patient in nursing home, convalescent home, etc.	64.2-443
64.1-77. Clerks may probate wills; appoint appraisers or administrators, qualify executors, etc.	64.2-444
64.1-78. Appeal from order of clerk.	64.2-445
64.1-79. Person offering will for probate may have persons interested cited to appear.	64.2-446
64.1-80. Circuit courts may do same.	64.2-446
64.1-81. Process against persons interested; guardian ad litem.	64.2-449
64.1-82. When court to hear motion.	64.2-446
64.1-83. Court may require all testamentary papers to be produced; trial by jury; judgment.	64.2-446
64.1-84. Effect of judgment.	64.2-448
64.1-85. Motion for probate may be ex parte.	64.2-446
64.1-86. How production of will compelled.	64.2-449
64.1-87. When deposition of witness may be taken and read on probate of will.	64.2-447
64.1-87.1. How will may be made self-proved.	64.2-452
64.1-87.2. Same; alternate method.	64.2-453
64.1-88. Bill to impeach or establish a will.	64.2-448
64.1-89. When bill must be filed and where.	64.2-448
64.1-90. Saving in favor of infants, persons of unsound mind.	64.2-448
64.1-91. What may be admitted as evidence on trial by jury.	64.2-449
64.1-92. Probate of copy of will proved without the Commonwealth; to what extent admitted to probate.	64.2-450
64.1-93. Appointment of curator; when made; his duties.	64.2-451
Article 5. Recordation and Effect Thereof.	
64.1-94. Wills to be recorded; recording copies; effect; indexing; transfer to The Library of Virginia.	64.2-455
64.1-95. Bona fide purchaser of real estate without notice of devise protected.	64.2-456
64.1-96. Same; later will.	64.2-457
64.1-96.1. Bona fide purchaser of real estate without	64.2-458

COMPARTIVE TABLE: TITLE 64.1 TO TITLE 64.2

notice of devise protected; intestacy.	
Article 6. Uniform International Wills Act.	
64.1-96.2. Definitions.	64.2-433
64.1-96.3. International will; validity.	64.2-434
64.1-96.4. Requirements.	64.2-435
64.1-96.5. Other points of form.	64.2-436
64.1-96.6. Certificate.	64.2-437
64.1-96.7. Effect of certificate.	64.2-438
64.1-96.8. Revocation.	64.2-439
64.1-96.9. Source and construction.	64.2-440
64.1-96.10. Persons authorized to act in relation to international will; eligibility; recognition by authorizing agency.	64.2-441
64.1-96.11. International will information registration.	64.2-442
CHAPTER 4. UNIFORM SIMULTANEOUS DEATH ACT.	
64.1-97 through 64.1-104.	Repealed Acts 1994, c. 475
64.1-104.1. Definitions.	64.2-2200
64.1-104.2. Requirement of survival by 120 hours for statutory rights.	64.2-2201
64.1-104.3. Requirement of survival by 120 hours under donative dispositions in governing instruments.	64.2-2202
64.1-104.4. Co-owners with right of survivorship; requirement of survival by 120 hours.	64.2-2203
64.1-104.5. Evidence of death or status.	64.2-2204
64.1-104.6. Exceptions.	64.2-2205
64.1-104.7. Protection of payors, bona fide purchasers, and other third parties; personal liability of recipient.	64.2-2206
64.1-104.8. Uniformity of application and construction; short title.	64.2-2207
64.1-104.9. Effective date.	64.2-2208
CHAPTER 5. PERSONS PRESUMED DEAD.	
64.1-105. Presumption of death from absence or disappearance; in cause wherein death comes in question.	64.2-2300
64.1-105.1, 64.1-105.2.	Repealed Acts 2006, c. 351
64.1-106. Distribution of fund when presumption of death not applicable.	64.2-2301
64.1-106.1. Appointment of curator when presumption of death not applicable.	64.2-2302
64.1-107. Probate or administration not to be granted by a clerk.	64.2-2303
64.1-108. Petition seeking determination of death; notice.	64.2-2304

COMPARTIVE TABLE: TITLE 64.1 TO TITLE 64.2

64.1-109.	Repealed Acts 2006, c. 351
64.1-110. Hearing application; evidence receivable; further publication.	64.2-2304
64.1-111. Grant of order; effect.	64.2-2305
64.1-112. Distribution of property; refunding bond.	64.2-2306
64.1-113. Revocation of determination of death, etc.; effect on previous acts; title of purchasers, etc.	64.2-2307
64.1-114. Substitution of supposed decedent in pending actions; reopening of judgments; effect of judgments.	64.2-2308
64.1-115. Costs, by whom payable.	64.2-2309
CHAPTER 6. PERSONAL REPRESENTATIVES AND ADMINISTRATION OF ESTATES.	
Article 1. Appointment and Qualification.	
64.1-116. When and to whom administration, with the will annexed, may be granted.	64.2-500
64.1-117. Oath of executor or such administrator.	64.2-501
64.1-118. What clerk or court to appoint administrator of estate; who to be preferred.	64.2-502
64.1-119. Oath and bond of administrator; when grant to cease.	64.2-502, 64.2-503
64.1-120. Penalty of bond of executor or administrator.	64.2-504
64.1-121. When security not required.	64.2-505
64.1-122. Letters of administration in due form unnecessary; how made out when required.	64.2-506
64.1-122.1. Clerks to deliver statement of responsibilities.	64.2-507
64.1-122.2. Written notice of probate, qualification, and entitlement to copies of inventories, accounts, and reports to be provided to certain parties.	64.2-508
Article 2. Payments, Settlements or Administration Without Appointment of Representative.	
64.1-123 through 64.1-123.1.	Repealed Acts 2010, c. 269
64.1-123.2. Transfer of certain vessels registered with United States Bureau of Customs.	64.2-606
64.1-123.3 through 64.1-125.	Repealed Acts 2010, c. 269
64.1-126, 64.1-127.	Repealed Acts 1981, c. 580
64.1-128. Transfer of evidences of indebtedness, securities and corporate stock held in decedents' estates.	64.2-607
64.1-129. Transfer of securities of nonresident decedents.	64.2-608
64.1-130. Money and personal property belonging to nonresident decedents.	64.2-609
64.1-131. When court may allow another to qualify on estate.	64.2-610
64.1-132. Disposition by sheriff of property when no	64.2-611

COMPARTIVE TABLE: TITLE 64.1 TO TITLE 64.2

person entitled thereto.	
Article 2.1. Virginia Small Estate Act.	
64.1-132.1. Definitions.	64.2-600
64.1-132.2. Payment or delivery of small asset by affidavit.	64.2-601
64.1-132.3. Payment or delivery of small asset valued at \$15,000 or less without affidavit.	64.2-602
64.1-132.4. Discharge and release of payor.	64.2-603
64.1-132.5. Payment or delivery of small asset; funeral expenses.	64.2-604
64.1-132.6. Construction of article.	64.2-605
Article 3. Appraisal, List of Heirs and Affidavit of Real Estate.	
64.1-133.	Repealed Acts 1998, c. 610
64.1-134. List of heirs.	64.2-509
64.1-135. Affidavit relating to real estate of intestate decedent.	64.2-510
Article 4. Authority and General Duties.	
64.1-136. Powers of executor before qualification.	64.2-511
64.1-136.1. Funeral expenses.	64.2-512
64.1-137. Death of sole executor; his executor has no authority.	64.2-513
64.1-138. Effect of marriage of female personal representative.	Deleted
64.1-139. Duty of every personal representative.	64.2-514
64.1-140. Duty of fiduciaries as to joint accounts.	64.2-515
64.1-141. Duties of fiduciaries with respect to certain obligations of the United States.	64.2-516
64.1-142. Exercise of discretionary powers by surviving executors or administrators with the will annexed.	64.2-517
64.1-143. When personal representative may renew note, etc., of decedent.	64.2-518
64.1-144. Suits upon judgment and contracts of decedent.	64.2-519
64.1-145. Action for goods carried away, waste or damage to estate of decedent.	64.2-520
Article 5. Power With Respect to Real Estate.	
64.1-146. Representatives to sell real estate devised to be sold, and receive certain rents.	64.2-521
64.1-147. Administrator with will annexed may sell real estate.	64.2-521
64.1-148. Representative may execute deed pursuant to	64.2-523

COMPARTIVE TABLE: TITLE 64.1 TO TITLE 64.2

written contract of deceased.	
64.1-149. Validation of certain conveyances by foreign executor.	64.2-524
64.1-150. When similar conveyances in future valid.	64.2-524
64.1-151. Executor, etc., to pay over sale proceeds and rents to persons entitled.	64.2-522
Article 5.1. Exempt Property and Allowances.	
64.1-151.1. Family allowance.	64.2-309
64.1-151.2. Exempt property.	64.2-310
64.1-151.3. Homestead allowance.	64.2-311
64.1-151.4. Source, determination and documentation of family allowance, exempt property, and homestead allowance.	64.2-309, 64.2-312
64.1-151.5. When and how exempt property and allowances may be claimed.	64.2-313
64.1-151.6. Waiver.	64.2-314
Article 6. Assets and Debts.	
64.1-152. Debtor's appointment.	64.2-525
64.1-153. What estate not to be sold.	64.2-526
64.1-154. What goods personal representative to sell; when and how.	64.2-526
64.1-155. When to sell other goods.	64.2-526
64.1-156. Estate for another's life, assets.	64.2-527
64.1-157. Order in which debts of decedents to be paid.	64.2-528
64.1-157.1. Nonexoneration; payment of lien if granted by agent.	64.2-531
64.1-158. Creditors to be paid in order of their classification; class paid ratably; when representative not liable for paying debt of inferior dignity.	64.2-529
64.1-159. Lien acquired in lifetime of decedent not affected.	64.2-530
Article 7. Apportionment of Estate Taxes.	
64.1-160. Definitions.	64.2-539
64.1-161. Apportionment required.	64.2-540
64.1-162. Recovery by executor when part of estate not in his hands.	64.2-541
64.1-163. Transfers not required until tax ascertained or security given.	64.2-542
64.1-164.	Repealed Acts 1986, c. 399
64.1-165. Contrary provisions of will or other instrument to govern.	64.2-543
64.1-165.1. Construction of direction to pay all taxes	64.2-544

COMPARTIVE TABLE: TITLE 64.1 TO TITLE 64.2

imposed on account of testator's death.	
Article 8. Liability of Representatives; Administrators de Bonis Non.	
64.1-166. Transfer of assets to administrator de bonis non; effect thereof.	64.2-545
64.1-167. Suit against representative of executor in his own wrong, or rightful executor, etc., for waste.	64.2-546
64.1-168. When administrator de bonis non may have scire facias.	64.2-547
64.1-169. When suit may be brought on bond of personal representative.	64.2-548
64.1-170. When representative and sureties not chargeable beyond assets; procedure in actions against them.	64.2-548, 64.2-549
Article 9. Settlement of Accounts and Distribution.	
64.1-171. Proceedings for receiving proof of debts by commissioners.	64.2-550
64.1-172. Report of debts, when and how made.	64.2-550, 64.2-551
64.1-173. How claims filed before commissioners; time within which statutes of limitation not to run.	64.2-552
64.1-174. When court to order payment of debts.	64.2-553
64.1-175. How sum reserved on contingent claim to be paid.	64.2-553
64.1-176. How assets applied at subsequent dividends.	64.2-553
64.1-177. When distribution may be required; refunding bond.	64.2-554
64.1-178. When fiduciaries are protected by refunding bonds.	64.2-555
64.1-179. Order to creditors to show cause against distribution of estate to legatees or distributees; their liability to refund.	64.2-556
64.1-180. Form for notice to show cause under § 64.1-179.	64.2-557
64.1-180.1. Payment of bequests, etc., to persons standing in loco parentis to certain beneficiaries.	64.2-558
CHAPTER 7. LIABILITY OF REAL ESTATE TO DEBTS.	
64.1-181. Real estate of decedent assets for payment of debts.	64.2-532
64.1-182. How such assets administered.	64.2-533
64.1-183. When heir or devisee liable for value of real estate; when purchasers not liable; when premature conveyances to become valid.	64.2-534

COMPARTIVE TABLE: TITLE 64.1 TO TITLE 64.2

64.1-184. When sale within year valid against creditors; proceeds paid to special commissioner; bond to obtain proceeds.	64.2-535
64.1-185. Heir or devisee liable in equity only; judgment against representative as evidence; recording notice of lis pendens; showing as to personal assets.	64.2-536
64.1-186. When suit in equity not to be brought to enforce claim of less than twenty dollars.	64.2-537
64.1-187. Lien acquired in lifetime of decedent not affected.	64.2-538
CHAPTER 8. DISCLAIMER OF SUCCESSION TO PROPERTY.	
64.1-188 through 64.1-196.	Repealed Acts 2003, c. 253
CHAPTER 8.1. UNIFORM DISCLAIMER OF PROPERTY INTERESTS ACT.	
64.1-196.1. Definitions.	64.2-2600
64.1-196.2. Scope.	64.2-2601
64.1-196.3. Chapter supplemented by other law.	64.2-2602
64.1-196.4. Power to disclaim; general requirements; when irrevocable.	64.2-2603
64.1-196.5. Disclaimer of interest in property.	64.2-2604
64.1-196.6. Disclaimer of rights of survivorship in jointly held property.	64.2-2605
64.1-196.7. Disclaimer of interest by trustee.	64.2-2606
64.1-196.8. Disclaimer of power of appointment or other power not held in a fiduciary capacity.	64.2-2607
64.1-196.9. Disclaimer by appointee, object, or taker in default of exercise of power of appointment.	64.2-2608
64.1-196.10. Disclaimer of power held in fiduciary capacity.	64.2-2609
64.1-196.11. Delivery or filing.	64.2-2610
64.1-196.12. When disclaimer barred or limited.	64.2-2611
64.1-196.13. Tax qualified disclaimer.	64.2-2612
64.1-196.14. Recording of disclaimer.	64.2-2613
64.1-196.15. Application to existing relationships.	64.2-2614
CHAPTER 9. UNIFORM DISPOSITION OF COMMUNITY PROPERTY RIGHTS AT DEATH ACT.	
64.1-197. Application.	64.2-315
64.1-198. Presumptions.	64.2-316
64.1-199. Disposition upon death.	64.2-317
64.1-200. Perfection of title of surviving spouse.	64.2-318

COMPARTIVE TABLE: TITLE 64.1 TO TITLE 64.2

64.1-201. Perfection of title of personal representative, heir or devisee.	64.2-319
64.1-202. Purchaser for value or lender.	64.2-320
64.1-203. Creditor's rights.	64.2-321
64.1-204. Acts of married persons.	64.2-322
64.1-205. Limitations on testamentary disposition.	64.2-323
64.1-206. Uniformity of application and construction.	64.2-324
CHAPTER 10. UNIFORM TRANSFERS ON DEATH (TOD) SECURITY REGISTRATION ACT.	
64.1-206.1. Definitions.	64.2-612
64.1-206.2. Registration in beneficiary form; sole or joint tenancy ownership; applicable law.	64.2-613
64.1-206.3. Origination of registration in beneficiary form.	64.2-614
64.1-206.4. Form of registration in beneficiary form; effect.	64.2-615
64.1-206.5. Ownership on death of owner.	64.2-616
64.1-206.6. Protection of registering entity.	64.2-617
64.1-206.7. Nontestamentary transfer on death.	64.2-618
64.1-206.8. Terms, conditions, and forms for registration; examples.	64.2-619