

2010 SESSION

SENATE SUBSTITUTE

10105879D

HOUSE BILL NO. 1193

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on March 8, 2010)

(Patron Prior to Substitute—Delegate Griffith)

A BILL to amend the Code of Virginia by adding a section numbered 8.01-6.3, relating to actions or suits involving fiduciaries; style of the case; amendment of pleading.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-6.3 as follows:

§ 8.01-6.3. Actions or suits against fiduciaries; style of the case; amendment of pleading.

A. In any action or suit required to be prosecuted or defended by or in the name of a fiduciary, including a personal representative, trustee, conservator, or guardian, the style of the case in regard to the fiduciary shall be substantially in the following form: "(Name of fiduciary), (type of fiduciary relationship), (Name of the subject of the fiduciary relationship)."

B. Any pleading filed that does not conform to the requirements of subsection A but otherwise identifies the proper parties shall be amended on the motion of any party or by the court on its own motion. Such amendment relates back to the date of the original pleading.

2. That the provisions of this act shall apply to any action or suit pending as of the effective date of this act.

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