

# 2026 SESSION

## HOUSE SUBSTITUTE

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### HOUSE BILL NO. 306

#### FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by  
on )

(Patron Prior to Substitute—Delegate Carnegie)

A BILL to amend and reenact § 64.2-313 of the Code of Virginia, relating to wills and estates; claims to exempt property and allowances.

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

Be it enacted by the General Assembly of Virginia:

**1. That § 64.2-313 of the Code of Virginia is amended and reenacted as follows:**

**§ 64.2-313. When and how exempt property and allowances may be claimed.**

Any election to take a family allowance, exempt property, or a homestead allowance shall be made ~~within~~  
~~no later than one year from after the later of the (i) time of admission of the decedent's death will to probate~~  
~~or (ii) qualification of an administrator of the decedent's intestate estate.~~ The election shall be made either in person before the court having jurisdiction over probate or administration of the decedent's estate, or by a writing recorded in the court, or the clerk's office thereof, upon such acknowledgment or proof as would authorize a writing to be admitted to record under Chapter 6 (§ 55.1-600 et seq.) of Title 55.1.

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HB306H1