

## 2026 SESSION

## HOUSE SUBSTITUTE

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## HOUSE BILL NO. 306

HOUSE BILL NO. 366  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee for Courts of Justice  
on January 28, 2026)

(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; title to real estate of a bona fide purchaser.*

**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; title to real estate of a bona fide purchaser.**

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.

*The title to real estate of a bona fide purchaser, as defined in § 64.2-100, acquired without notice of such election, shall not be affected by such election unless the election is recorded in the clerk's office of the circuit court in which the real estate lies within one year after the decedent's death.*