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**SENATE BILL NO. 540**  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee for Courts of Justice  
on \_\_\_\_\_)

(Patron Prior to Substitute—Senator Obenshain)

*A BILL to amend the Code of Virginia by adding a section numbered 64.2-724.1, relating to undue influence; presumptions in actions contesting validity of a trust or trust instrument.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 64.2-724.1 as follows:**

**§ 64.2-724.1. *Validity of trust or trust instrument; presumption of undue influence.***

*In addition to any other relevant provision of law, where a presumption of undue influence arises in any action contesting the validity of a trust or trust instrument created pursuant to the provisions of Article 1 (§ 64.2-700 et seq.), the finder of fact shall presume that the undue influence was exerted over the decedent unless, based on all the evidence introduced at trial, the finder of fact finds that the decedent did intend for such real or personal property to be conveyed or transferred as indicated in the contested document or instrument.*

HOUSE SUBSTITUTE

SB540HC1