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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend the Code of Virginia by adding a section numbered 64.2-502.1, relating to actions for personal injury or death by wrongful act against or on behalf of a decedent's estate; appeal of appointment of administrator.

[H 1510]

Approved

Be it enacted by the General Assembly of Virginia:
1. That the Code of Virginia is amended by adding a section numbered 64.2-502.1 as follows:

§ 64.2-502.1. Appeal from order of clerk appointing administrator.
Any person interested in the administration of an estate, including any person entitled to notice under § 64.2-508, or the appointment of an administrator for the purposes of an action brought pursuant to § 64.2-454 may, without giving any bond, appeal any order entered by the clerk or deputy clerk of a circuit court pursuant to § 64.2-454, 64.2-500, or 64.2-502 within six months after entry of such order to the circuit court whose clerk or deputy clerk made such order. Upon filing of the appeal, the clerk or deputy clerk shall enter in such order or in the will book an order allowing the appeal, and a hearing on the matter shall be given precedence on the circuit court's docket. The proceeding on the appeal shall be heard de novo by the court, and a copy of the final order of the court shall be entered into the order of the clerk or into the will book.

At any time after the appeal is allowed, the court may enter an order for the protection of any person interested in the estate or for the protection or preservation of any property involved as the court finds necessary.

The appointment of a new administrator pursuant to this section shall not render any prior and otherwise valid appointment void ab initio. Such newly appointed administrator for an otherwise valid prior appointment shall be substituted for the prior administrator in any pending litigation.