

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 335

BY SENATORS MAYNARD AND HAMILTON

[Introduced January 16, 2019; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §41-1-7 of the Code of West Virginia, 1931, as amended, relating
 2 to requiring the notification of all persons mentioned in a will before it may be altered.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. CAPACITY TO MAKE; REQUISITES; VALIDITY.

§41-1-7. Revocation generally.

1 (a) No will or codicil, or any part thereof, shall be revoked, unless under the preceding
 2 section, or by a subsequent will or codicil, or by some writing declaring an intention to revoke the
 3 same, and executed in the manner in which a will is required to be executed, or by the testator,
 4 or some person in his or her presence and by his or her direction, cutting, tearing, burning,
 5 obliterating, canceling or destroying the same, or the signature thereto, with the intent to revoke.

6 (b) No will or codicil, or any part thereof may be altered unless the persons named in the
 7 will or codicil are contacted, or attempted to be contacted, to go over the proposed changes.

NOTE: The purpose of this bill is to require that all persons mentioned in a will must be contacted before it can be changed.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.