

Subtitle I

Chapter 1: CREATION AND LIMITATION OF ESTATES; ~~THEIR QUALITIES.~~

General Notes: inserted four new Articles into this Chapter; taken from existing Chapter 1, one section from existing Chapter 8 (Clouds on Title), one section from existing Chapter 3 (Property Rights of Married Women), and existing Chapter 20 (Virginia Solar Easements Act)

additional note: the remaining sections (§§ 55-154, 55-154.1, 55-154.2, and 55-155) from existing Chapter 8 of Title 55 related to mineral rights are logically relocated to proposed Chapter 14.7:3 of Title 45.1.

additional note: existing § 55-19.5 is proposed to be relocated to Article 2 of Chapter 1 of Title 64.2.

Article 1: Creation and Transfer of Estates

§ 55-1. Aliens may acquire, hold, and transmit real estate; when reciprocity required.

§ 55-2. When deed or will necessary to convey estate; no parol partition or gift valid.

§ 55-3. When gift of ~~goods or chattels~~ personal property invalid.

§ 55-4. Suicide or attainder of felony.

§ 55-5. Estates to lie in grant as well as in livery.

§ 55-6. Same estates may be created by deed as by will.

§ 55-7. Power of disposal in life tenant not to defeat remainder unless exercised; power of disposal held by fiduciary.

~~§ 55-7.1. Repealed.~~

~~§ 55-7.2. Repealed.~~

§ 55-8. Default or surrender of tenant for life not to prejudice remainderman, etc.

§ 55-9. Conveyance of estate or interest in property by grantor to himself and another.

§ 55-10. Deed ~~good~~ valid for grantor's right; operation of warranty.

§ 55-11. Grant, etc., without words of limitation.

§ 55-12. Fee tail converted into fee simple.

§ 55-14. Estate of freehold to one with remainder to heirs, etc.; rule in Shelley's Case abolished.

§ 55-14.1. Doctrine of worthier title abolished.

§ 55-15. When contingent remainder not to fail.

§ 55-16. When remainders not defeated.

§ 55-17. In what conveyances possession transferred to the use.

§ 55-17.1. Land trusts not to fail because no beneficiaries are specified by name and no duties laid on trustee; when interest of beneficiaries deemed personal property; liens.

§ 55-18. Deed of release effectual.

~~§§ 55-19, 19.1, 19.2, 19.3, 19.4: Repealed.~~

§ 55-22. When person not a party, etc., may take or sue under instrument.

§ 55-23. Informalities in deeds made by attorneys-in-fact.

§ 55-24. Time for objections to irregularities in advertising sales made by trustees.

§ 55-25. Recovery at death of life tenant of taxes paid on life estate.

~~§ 55-25.1: Repealed.~~

§ 55-153. Removal of a cloud on title; nature of plaintiff's title.

note: relocated from existing Chapter 8 because majority of Chapter 8 is proposed to be relocated to Title 45.1.

§ 55-47.01. Equitable separate estates abolished.

note: relocated from existing Chapter 3 because the majority of Chapter 3 is proposed for repeal as obsolete

Article 2: Rule Against Perpetuities.

§ 55-12.1. Uniform Statutory Rule Against Perpetuities.

§ 55-12.2. When nonvested property interest or power of appointment created.

§ 55-12.3. Reformation.

§ 55-12.4. Exclusions from statutory rule against perpetuities.

§ 55-12.5. Prospective application.

§ 55-12.6. Uniformity of application and construction.

§ 55-13. Certain limitations construed.

§ 55-13.1 Employee trusts.

§ 55-13.2. Determination of "lives in being" for purpose of rule against perpetuities.

§ 55-13.3. Application of the rule against perpetuities to nondonative transfers.

Article 3. Joint Ownership of Real or Personal Property.

§ 55-20. Survivorship between joint tenants abolished.

~~§ 55-21. Exceptions to § 55-20.~~

note: This section is now subsection B of 55-20.

§ 55-20.1. Joint ownership in real and personal property.

§ 55-20.2. Tenants by the ~~entireties~~ entirety in real and personal property; certain trusts.

Article 4. Virginia Solar Easements Act. (note: Proposed Article 4 contains sections from existing Chapter 20, the Virginia Solar Easements Act.)

~~§ 55-352. Short Title.~~

§ 55-353. Creation of solar easements.

§ 55-354. Contents of solar easement agreements.

~~§§ 55-355, 356, 357, 358, 359. Reserved.~~

Chapter 2: FORM AND EFFECT OF DEEDS AND LEASES

Chapter 3: FRAUDULENT AND VOLUNTARY CONVEYANCES, ~~BULK AND~~ CONDITIONAL SALES, ETC.; WRITING NECESSARY TO BE RECORDED.

General notes: Taken from existing Chapter 5.

§ 55-80. Void fraudulent acts; bona fide purchasers not affected.

§ 55-81. Voluntary gifts, etc., void as to prior creditors.

§ 55-82. Creditor's suits to avoid such gifts, etc.

§ 55-82.1. Creditor's suits; attorney fees.

§ 55-82.2. Authority of court to set aside.

~~§§ 55-83, 84, 85, 86. Repealed.~~

§ 55-87. Loans and reservations of a use or property to be recorded.

~~§§ 55-88, 89, 90, 91, 92, 93, 94. Repealed.~~

§ 55-95. Certain recorded contracts as valid as deeds.

§ 55-96. Contracts, etc., void as to creditors and purchasers until recorded;
priority of credit line deed of trust.

~~§ 55-96.1. Repealed.~~

§ 55-97. Where to be recorded.

~~§§ 55-98, 99. Repealed.~~

§ 55-100. Recordation of instruments affecting civil aircraft of United States.

§ 55-101. Priority of writings, when admitted to record same day.

~~§ 55-102.~~ RECOMMENDING for repeal as obsolete (no amendments since 1919,
no cases since 1875 have cited it/ addressed it.)

§ 55-103. Words "creditors" and "purchasers," how construed.

§ 55-104. Lien of subsequent purchaser for purchase money paid before notice.

§ 55-105. When purchaser not affected by record of deed or contract.

CHAPTER 4: APPORTIONMENT OF MONEYS; MANAGEMENT OF INSTITUTIONAL FUNDS COMMUTATION AND VALUATION OF CERTAIN ESTATES.

General notes: taken from existing Chapter 15

Article. 1 Uniform Principal and Income Act.

§§ 55-253 through 55-268. Repealed.

Article 1.1. Uniform Management of Institutional Funds Act.

§§ 55-268.1 through 55-268.10. Repealed.

Article 1.2. Uniform Prudent Management of Institutional Funds Act.

§§ 55-268.11 through 55-268.20. Repealed.

Article 2. Commutation and Valuation of Certain Estates and Interests; Tables.

note: no longer a need for an article since all other articles repealed.

§ 55-269. Repealed.

§ 55-269.1 Annuity Table.

§ 55-270. Rule of Calculation under § 55.1-xxx [55-269.1].

§ 55-271. Example.

note: § 55-271 is now subsection B of 55-270.

§ 55-272. Repealed.

§ 55-272.1. Table of uniform seniority.

§ 55-273. Rule of calculation under § 55-272.1 55.1-xxx.

§ 55-274. Makehamized mortality table.

§ 55-275. Repealed.

§ 55-276. Commutation in case of persons under disability.

§ 55-277. Commutation of certain life estates.