

GUIDELINES FOR STRUCTURED SETTLEMENT ANNUITY TRANSFERS
UNDER THE STRUCTURED SETTLEMENT PROTECTION ACT (Code § 59.1-
475 through 477.1)

File application pursuant to § 59.1-477.

The Court requires a hearing for approval of the transfer. This hearing may be scheduled on the Court's Friday Motion Docket.

The Court requires that both counsel for the transferee and the payee personally appear at this hearing.

At the scheduled hearing, the Court shall consider the following criteria set forth in § 59.1-476 before approving a transfer:

1. The transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents;
2. The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has either received such advice or knowingly waived such advice in writing; and
3. The transfer does not contravene any applicable statute or the order of any court or other government authority.

The final court order authorizing the transfer shall be endorsed by counsel for the transferee and the payee.

In those cases in which the payee is not an adult and *compos mentis*; but is a person under a disability either by infancy or mental incompetence; the Court requires a hearing with the payee's personal representative and the appointment of a guardian *ad litem* for the payee for a report to this court and a recommendation on the findings required by § 59.1-476. The expense shall be borne by the proposed annuity purchaser. Such report and recommendation shall be filed with the court and mailed to all interested parties.

Generally, these cases will be heard by the Honorable James C. Lewis unless otherwise not available.

Dated: April 19, 2016