An Act

ENROLLED SENATE
BILL NO. 889

By: Anderson and Ivester of the Senate

and

Enns of the House

An Act relating to international wills; creating the Uniform International Wills Act; providing short title; defining terms; providing for validity of international wills; specifying requirements for international wills; requiring certain certificates to be attached to international wills; specifying form, content and effect of the certificate; providing procedure for revocation of an international will; providing for interpretation of the act; specifying requirements to be an authorized person; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 350 of Title 84, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Uniform International Wills Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 351 of Title 84, unless there is created a duplication in numbering, reads as follows:

As used in the Uniform International Wills Act:

1. "International will" means a will executed in conformity with the Uniform International Wills Act; and

2. "Authorized person" and "person authorized to act in connection with international wills" mean a person who by Section 10 of this act, or by the laws of the United States including members of the diplomatic and consular service of the United States designated by Foreign Service Regulations, is empowered to supervise the execution of international wills.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 852 of Title 84, unless there is created a duplication in numbering, reads as follows:

A. A will is valid as regards form, irrespective particularly of the place where it is made, of the location of the assets and of the nationality, domicile, or residence of the testator, if it is made in the form of an international will complying with the requirements of the Uniform International Wills Act.

B. The invalidity of the will as an international will does not affect its formal validity as a will of another kind.

C. The Uniform International Wills Act does not apply to the form of testamentary dispositions made by two or more persons in one instrument.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 853 of Title 84, unless there is created a duplication in numbering, reads as follows:

A. The will must be made in writing. It need not be written by the testator him or herself. It may be written in any language, by hand or by any other means.

B. The testator shall declare in the presence of two witnesses and of a person authorized to act in connection with international wills that the document is the will of the testator and that the testator knows the contents of the will. The testator need not

inform the witnesses, or the authorized person, of the contents of the will.

C. In the presence of the witnesses, and of the authorized person, the testator shall sign the will or, if the testator has previously signed it, shall acknowledge the signature.

D. If the testator is unable to sign, the absence of the signature of the testator does not affect the validity of the international will if the testator indicates the reason for the inability to sign and the authorized person makes note thereof on the will. In that case, it is permissible for any other person present, including the authorized person or one of the witnesses, at the direction of the testator, to sign the name of the testator for the testator, if the authorized person makes note of this on the will, but it is not required that any person sign the name of the testator for the testator.

E. The witnesses and the authorized person shall there and then attest the will by signing in the presence of the testator.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 854 of Title 84, unless there is created a duplication in numbering, reads as follows:

A. The signatures must be placed at the end of the will. If the will consists of several sheets, each sheet must be signed by the testator or, if the testator is unable to sign, by the person signing on behalf of the testator or, if there is no such person, by the authorized person. In addition, each sheet must be numbered.

B. The date of the will must be the date of its signature by the authorized person. The date must be noted at the end of the will by the authorized person.

C. The authorized person shall ask the testator whether the testator wishes to make a declaration concerning the safekeeping of the will. If so and at the express request of the testator, the place where the testator intends to have the will kept must be mentioned in the certificate provided for in Section 6 of this act.

D. A will executed in compliance with Section 4 of this act is not invalid merely because it does not comply with this section.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 855 of Title 84, unless there is created a duplication in numbering, reads as follows:

The authorized person shall attach to the will a certificate to be signed by the authorized person establishing that the requirements of the Uniform International Wills Act for valid execution of an international will have been fulfilled. The authorized person shall keep a copy of the certificate and deliver another to the testator. The certificate must be substantially in the following form:

CERTIFICATE

I, _____ (name, address and capacity), a person authorized to act in connection with international wills

Certify that on _____ (date) at _____ (place)

(testator) _____ (name, address, date and place of birth) in my presence and in that of witnesses

1. _____ (name, address, date and place of birth)

2. _____ (name, address, date and place of birth) has declared that the attached document is the will of the testator and that the testator knows the contents thereof.

I furthermore certify that:

1. In my presence and in that of the witnesses

   a. the testator has signed the will or has acknowledged the signature of the testator previously affixed.

   b. following a declaration of the testator stating that the testator was unable to sign the will for the following reason _____, I have mentioned this declaration on the will

*and the signature has been affixed by
_____ (name and address);

2. The witnesses and I have signed the will;

3. Each page of the will has been signed by _____ and numbered;

4. I have satisfied myself as to the identity of the testator and of the witnesses as designated above;

5. The witnesses met the conditions requisite to act as such according to the law under which I am acting;

6. The testator has requested me to include the following statement concerning the safekeeping of the will of the testator:

Place of Execution _____

Date _____

Signature _____

and, if necessary, SEAL

*to be completed if appropriate

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 856 of Title 84, unless there is created a duplication in numbering, reads as follows:

In the absence of evidence to the contrary, the certificate of the authorized person is conclusive of the formal validity of the instrument as a will under the Uniform International Wills Act. The absence or irregularity of a certificate does not affect the formal validity of a will under the Uniform International Wills Act.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 857 of Title 84, unless there is created a duplication in numbering, reads as follows:

An international will is subject to the ordinary rules of revocation of wills.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858 of Title 84, unless there is created a duplication in numbering, reads as follows:

The Uniform International Wills Act derives from Annex to Convention of October 26, 1973, Providing a Uniform Law on the Form of an International Will. In interpreting and applying the Uniform International Wills Act, regard shall be had to its international origin and to the need for uniformity in its interpretation.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 859 of Title 84, unless there is created a duplication in numbering, reads as follows:

Individuals who have been admitted to practice law before the courts of this state and are currently licensed to do so are authorized persons in relation to international wills.

SECTION 11. This act shall become effective November 1, 2010.

Passed the Senate the 24th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2010.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 27th

day of May, 2010,

at 2:00 o'clock P M.

By: [illegible]

Approved by the Governor of the State of Oklahoma the 7th day of

June, 2010, at 10:10 o'clock P M.

[illegible]

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

8th day of June, 2010,

at 4:38 o'clock P. M.

By: M. Susan Savage