

1 ENGROSSED SENATE  
2 BILL NO. 889

By: Anderson of the Senate

3 and

4 Enns of the House

5  
6  
7 [ wills and succession - Uniform International Wills

8 Act - codification -

9 effective date ]

10

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

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

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

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

20 As used in the Uniform International Wills Act:

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

23 2. "Authorized person" and "person authorized to act in  
24 connection with international wills" mean a person who by Section 10

1 of this act, or by the laws of the United States including members  
2 of the diplomatic and consular service of the United States  
3 designated by Foreign Service Regulations, is empowered to supervise  
4 the execution of international wills.

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

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

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

15 C. The Uniform International Wills Act does not apply to the  
16 form of testamentary dispositions made by two (2) or more persons in  
17 one instrument.

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

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

24

1 B. The testator shall declare in the presence of two (2)  
2 witnesses and of a person authorized to act in connection with  
3 international wills that the document is the will of the testator  
4 and that the testator knows the contents of the will. The testator  
5 need not inform the witnesses, or the authorized person, of the  
6 contents of the will.

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

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

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

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

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

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

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

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

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

19       The authorized person shall attach to the will a certificate to  
20 be signed by the authorized person establishing that the  
21 requirements of the Uniform International Wills Act for valid  
22 execution of an international will have been fulfilled. The  
23 authorized person shall keep a copy of the certificate and deliver  
24

1 another to the testator. The certificate must be substantially in  
2 the following form:

3 CERTIFICATE

4 I, \_\_\_\_\_ (name, address and capacity), a  
5 person authorized to act in connection with international wills

6 Certify that on \_\_\_\_\_ (date) at \_\_\_\_\_ (place)  
7 (testator) \_\_\_\_\_ (name, address, date and  
8 place of birth) in my presence and in that of witnesses

- 9 1. \_\_\_\_\_ (name, address, date and place of birth)  
10 2. \_\_\_\_\_ (name, address, date and place of birth)

11 has declared that the attached document is the will of the testator  
12 and that the testator knows the contents thereof.

13 I furthermore certify that:

- 14 1. In my presence and in that of the witnesses  
15 a. the testator has signed the will or has acknowledged  
16 the signature of the testator previously affixed.  
17 \*b. following a declaration of the testator stating that  
18 the testator was unable to sign the will for the  
19 following reason \_\_\_\_\_, I have  
20 mentioned this declaration on the will  
21 \*and the signature has been affixed by  
22 \_\_\_\_\_ (name and address);

23 2. The witnesses and I have signed the will;

24

1 \*3. Each page of the will has been signed by \_\_\_\_\_  
2 and numbered;

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

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

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

9 Place of Execution \_\_\_\_\_

10 Date \_\_\_\_\_

11 Signature \_\_\_\_\_

12 and, if necessary, SEAL

13 \*to be completed if appropriate

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

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

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

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

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

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

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

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

17 SECTION 11. This act shall become effective November 1, 2009.  
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