

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 889

By: Anderson

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5
6 AS INTRODUCED

7 An Act relating to wills and succession; creating the
8 Uniform International Wills Act; providing short
9 title; defining terms; providing for validity of
10 international wills; specifying requirements for
11 international wills; requiring certain certificates
12 to be attached to international wills; specifying
13 form, content and effect of the certificate;
14 providing procedure for revocation of an
15 international will; providing for interpretation of
16 the act; specifying requirements to be an authorized
17 person; providing for codification; and providing an
18 effective date.

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

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

23 This act shall be known and may be cited as the "Uniform
24 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 1. "International will" means a will executed in conformity
2 with the Uniform International Wills Act; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 The authorized person shall attach to the will a certificate to
23 be signed by the authorized person establishing that the
24 requirements of the Uniform International Wills Act for valid

1 execution of an international will have been fulfilled. The
2 authorized person shall keep a copy of the certificate and deliver
3 another to the testator. The certificate must be substantially in
4 the following form:

5 CERTIFICATE

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

8 Certify that on _____ (date) at _____ (place)
9 (testator) _____ (name, address, date and

10 place of birth) in my presence and in that of witnesses

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

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

13 has declared that the attached document is the will of the testator
14 and that the testator knows the contents thereof.

15 I furthermore certify that:

16 1. In my presence and in that of the witnesses

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

19 *b. following a declaration of the testator stating that

20 the testator was unable to sign the will for the
21 following reason _____, I have

22 mentioned this declaration on the will

23 *and the signature has been affixed by

24 _____ (name and address);

1 2. The witnesses and I have signed the will;
2 *3. Each page of the will has been signed by _____
3 and numbered;

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

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

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

10 Place of Execution _____

11 Date _____

12 Signature _____

13 and, if necessary, SEAL

14 *to be completed if appropriate

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

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

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

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

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

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

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

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

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

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