

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 966

Introduced by DeBoer, 10.

Read first time January 13, 2020

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to decedents' estates; to adopt the Uniform
- 2 Wills Recognition Act (1977).
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 10 of this act shall be known and may be
2 cited as the Uniform Wills Recognition Act (1977).

3 In the Uniform Wills Recognition Act (1977):

4 (1) International will means a will executed in conformity with
5 sections 2 to 5 of this act; and

6 (2) Authorized person and person authorized to act in connection
7 with international wills mean a person who by section 9 of this act, or
8 by the laws of the United States including members of the diplomatic and
9 consular service of the United States designated by Foreign Service
10 Regulations, is empowered to supervise the execution of international
11 wills.

12 Sec. 2. (a) A will is valid as regards form, irrespective
13 particularly of the place where it is made, of the location of the
14 assets, and of the nationality, domicile, or residence of the testator,
15 if it is made in the form of an international will complying with the
16 requirements of the Uniform Wills Recognition Act (1977).

17 (b) The invalidity of the will as an international will shall not
18 affect its formal validity as a will of another kind.

19 (c) The Uniform Wills Recognition Act (1977) shall not apply to the
20 form of testamentary dispositions made by two or more persons in one
21 instrument.

22 Sec. 3. (a) The will shall be made in writing. It need not be
23 written by the testator personally. It may be written in any language, by
24 hand or by any other means.

25 (b) The testator shall declare in the presence of two witnesses and
26 of a person authorized to act in connection with international wills that
27 the document is the testator's will and that the testator knows the
28 contents thereof. The testator need not inform the witnesses, or the
29 authorized person, of the contents of the will.

30 (c) In the presence of the witnesses, and of the authorized person,
31 the testator shall sign the will or, if the testator has previously

1 signed it, shall acknowledge the testator's signature.

2 (d) When the testator is unable to sign, the absence of the
3 testator's signature does not affect the validity of the international
4 will if the testator indicates the reason for the testator's inability to
5 sign and the authorized person makes note thereof on the will. In these
6 cases, it is permissible for any other person present, including the
7 authorized person or one of the witnesses, at the direction of the
8 testator, to sign the testator's name for the testator, if the authorized
9 person makes note of this also on the will, but it is not required that
10 any person sign the testator's name for the testator.

11 (e) The witnesses and the authorized person shall there and then
12 attest the will by signing in the presence of the testator.

13 Sec. 4. (a) The signatures shall be placed at the end of the will.
14 If the will consists of several sheets, each sheet will be signed by the
15 testator or, if the testator is unable to sign, by the person signing on
16 the testator's behalf or, if there is no such person, by the authorized
17 person. In addition, each sheet shall be numbered.

18 (b) The date of the will shall be the date of its signature by the
19 authorized person. That date shall be noted at the end of the will by the
20 authorized person.

21 (c) The authorized person shall ask the testator whether the
22 testator wishes to make a declaration concerning the safekeeping of the
23 testator's will. If so and at the express request of the testator, the
24 place where the testator intends to have the testator's will kept shall
25 be mentioned in the certificate provided for in section 5 of this act.

26 (d) A will executed in compliance with section 3 of this act is not
27 invalid merely because it does not comply with this section.

28 Sec. 5. The authorized person shall attach to the will a
29 certificate to be signed by the authorized person establishing that the
30 requirements of the Uniform Wills Recognition Act (1977) for valid
31 execution of an international will have been complied with. The

1 authorized person shall keep a copy of the certificate and deliver
2 another to the testator. The certificate shall be substantially in the
3 following form:

4 CERTIFICATE

5 (Convention of October 26, 1973)

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

8 2. Certify that on (date) at
9 (place)

10 3. (testator) (name,
11 address, date, and place of birth) in my presence and that of the
12 witnesses

13 4. (a) (name, address, date, and
14 place of birth)

15 (b) (name, address, date, and place
16 of birth)

17 has declared that the attached document is the testator's will and
18 that the testator knows the contents thereof.

19 5. I furthermore certify that:

20 6. (a) in my presence and in that of the witnesses

21 (1) the testator has signed the will or has acknowledged the
22 testator's signature previously affixed.

23 *(2) following a declaration of the testator stating that the
24 testator was unable to sign the testator's will for the following
25 reason, and I have mentioned
26 this declaration on the will

27 *and the signature has been affixed
28 by (name, address)

29 7. (b) the witnesses and I have signed the will;

30 8. *(c) each page of the will has been signed
31 by and numbered;

1 9. (d) I have satisfied myself as to the identity of the testator
2 and of the witnesses as designated above;

3 10. (e) the witnesses met the conditions requisite to act as such
4 according to the law under which I am acting;

5 11. *(f) the testator has requested me to include the following
6 statement concerning the safekeeping of the testator's will:

7

8 12. PLACE

9 13. DATE

10 14. SIGNATURE

11 and, if necessary, SEAL

12 *to be completed if appropriate

13 Sec. 6. In the absence of evidence to the contrary, the certificate
14 of the authorized person shall be conclusive of the formal validity of
15 the instrument as a will under the Uniform Wills Recognition Act (1977).
16 The absence or irregularity of a certificate shall not affect the formal
17 validity of a will under the act.

18 Sec. 7. The international will shall be subject to the ordinary
19 rules of revocation of wills.

20 Sec. 8. Sections 1 to 7 of this act derive from Annex to Convention
21 of October 26, 1973, Providing a Uniform Law on the Form of an
22 International Will. In interpreting and applying the Uniform Wills
23 Recognition Act (1977), regard shall be had to its international origin
24 and to the need for uniformity in its interpretation.

25 Sec. 9. Individuals who have been admitted to practice law before
26 the courts of this state and who are in good standing as active law
27 practitioners in this state, are hereby declared to be authorized persons
28 in relation to international wills.

29 Sec. 10. The Secretary of State shall establish a registry system
30 by which authorized persons may register in a central information center,
31 information regarding the execution of international wills, keeping that

1 information in strictest confidence until the death of the maker and then
2 making it available to any person desiring information about any will who
3 presents a death certificate or other satisfactory evidence of the
4 testator's death to the center. Information that may be received,
5 preserved in confidence until death, and reported as indicated is limited
6 to the name, social security or any other individual-identifying number
7 established by law, address, and date and place of birth of the testator,
8 and the intended place of deposit or safekeeping of the instrument
9 pending the death of the maker. The Secretary of State, at the request of
10 the authorized person, may cause the information the Secretary of State
11 receives about execution of any international will to be transmitted to
12 the registry system of another jurisdiction as identified by the
13 testator, if that other system adheres to rules protecting the
14 confidentiality of the information similar to those established in this
15 state.