

SENATE BILL NO. 141—COMMITTEE ON JUDICIARY

FEBRUARY 16, 2009

Referred to Committee on Judiciary

SUMMARY—Enacts the Uniform International Wills Act.
(BDR 12-673)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to wills; enacting the Uniform International Wills Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Uniform International Wills Act, which was promulgated by the National Conference of Commissioners on Uniform State Laws in 1973 and was intended to provide testators with a way of making wills that would be valid as to form in all states adopting the uniform act and all countries joining the Washington Convention of 1973.

Sections 6, 7 and 8 of this bill provide the form and requirements for the valid execution of an international will. **Section 7** provides that the will must be made in writing, signed by the testator and acknowledged by two witnesses and a person authorized to act in connection with international wills. **Section 8** provides where signatures must be placed, how the will must be dated and that the testator can make a declaration concerning the safekeeping of his will.

Section 9 of this bill provides that a certificate must be attached to the will establishing that the requirements for executing an international will have been complied with, and sets forth the contents of that certificate. **Section 10** of this bill provides that the certificate is conclusive of the formal validity of the will. The absence or irregularity of a certificate does not affect the formal validity of the will.

Section 11 of this bill provides that an international will is subject to the ordinary rules of revocation of wills.

Section 13 of this bill provides that attorneys admitted to practice in this State and in good standing are deemed to be authorized persons in relation to international wills.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 12 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *This chapter may be cited as the Uniform International Wills Act.*

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Authorized person” and “person authorized to act in connection with international wills” mean a person who, by section 13 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.*

Sec. 5. *“International will” means a will executed in conformity with sections 6 to 9, inclusive, of this act.*

Sec. 6. 1. *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 this chapter.*

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

3. *This chapter does not apply to the form of testamentary dispositions made by two or more persons in one instrument.*

Sec. 7. 1. *The will must be made in writing. It need not be written by the testator himself. It may be written in any language, by hand or by any other means.*

2. *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 his will and that he knows the contents thereof. The testator need not inform the witnesses, or the authorized person, of the contents of the will.*

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

4. *When the testator is unable to sign, the absence of his signature does not affect the validity of the international will if the testator indicates the reason for his inability to sign and the authorized person makes note thereof on the will. In these cases, 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 testator's name for him, if the authorized person makes note of this also on the will, but it is not required that any person sign the testator's name for him.

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

Sec. 8. 1. 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 he is unable to sign, by the person signing on his behalf or, if there is no such person, by the authorized person. In addition, each sheet must be numbered.

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

3. The authorized person shall ask the testator whether he wishes to make a declaration concerning the safekeeping of his will. If so, and at the express request of the testator, the place where he intends to have his will kept must be mentioned in the certificate provided for in section 9 of this act.

4. A will executed in compliance with section 7 of this act is not invalid merely because it does not comply with this section.

Sec. 9. The authorized person shall attach to the will a certificate to be signed by him establishing that the requirements of this chapter for valid execution of an international will have been complied with. The authorized person shall keep a copy of the certificate and deliver another to the testator. The certificate must be in substantially the following form:

CERTIFICATE

(Convention of October 26, 1973)

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 that of the witnesses:

(a) _____ (name, address, date and place of birth); and

(b) _____ (name, address, date and place of birth),

has declared that the attached document is his or her will and that he or she knows the contents thereof.

I furthermore certify that:

(a) In my presence and in that of the witnesses:

(1) The testator has signed the will or has acknowledged his or her signature previously affixed.



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**(2) Following a declaration of the testator stating that he or she was unable to sign his or her will for the following reason, _____, I have mentioned this declaration on the will *and the signature has been affixed by _____ (name and address).*

(b) The witnesses and I have signed the will.

**(c) Each page of the will has been signed by _____ and numbered.*

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

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

**(f) The testator has requested me to include the following statement concerning the safekeeping of his or her will:*

PLACE OF EXECUTION

DATE

SIGNATURE and, if necessary, SEAL

***To be completed if appropriate**

Sec. 10. *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 this chapter. The absence or irregularity of a certificate does not affect the formal validity of a will under this chapter.*

Sec. 11. *An international will is subject to the ordinary rules of revocation of wills.*

Sec. 12. *Sections 3 to 11, inclusive, of this act derive from Annex to Convention of October 26, 1973, Providing a Uniform Law on the Form of an International Will. In interpreting and applying this chapter, regard must be given to its international origin and to the need for uniformity in its interpretation.*

Sec. 13. *Persons who have been admitted to practice law before the courts of this State and who are in good standing as active law practitioners in this State are hereby declared to be authorized persons in relation to international wills.*

Sec. 14. NRS 133.080 is hereby amended to read as follows:

133.080 1. ~~HH~~ *Except as otherwise provided in sections 2 to 13, inclusive, of this act, if* in writing and subscribed by the testator, a last will and testament executed outside this State in the manner prescribed by the law, either of the state where executed or of the testator's domicile, shall be deemed to be legally executed, and is of the same force and effect as if executed in the manner prescribed by the law of this State.

2. This section must be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.



- 1 3. As used in this section, “subscribed” includes, without
2 limitation, placing an electronic signature on an electronic will.

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