

Offered: 3/9/63
Referred: Rules

1 IN THE SENATE BY THE HOUSE JUDICIARY COMMITTEE
2 HOUSE CS FOR SENATE BILL NO. 39
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to decedents' estates; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 13.05.010 is amended to read:

10 Sec. 13.05.010. WHO MAY MAKE. Every person of sound
11 mind who is 19 [21] or more years of age may devise by last
12 will all his property, real or personal, under the rules
13 and limitations provided by law.

14 * Sec. 2. AS 13.05 is amended by adding a new section to read:

15 Sec. 13.05.105. ELECTION TO SURVIVING HUSBAND OR WIFE.

16 (a) If a testator or testatrix leaving a surviving wife or
17 husband bequeaths or devises away from the surviving wife or
18 husband more than two-thirds of his or her net estate, the
19 surviving wife or husband, in his or her option and notwith-
20 standing the will, may take and receive one-third of the net
21 estate of the testator or testatrix. The right to receive
22 one-third of the net estate may be waived in writing in a
23 premarital or submarital agreement.

24 (b) The surviving wife or husband must exercise the
25 option by filing in the court in which the will is admitted
26 to probate, within three months thereafter, his or her elec-
27 tion, in writing, to take and receive one-third of the net
28 estate, unless election has been waived by a premarital or
29 submarital agreement. Upon the filing of the election within

1 that time, the will is inoperative as to that one-third of
2 the net estate. The failure to make and file the election
3 within the three-month period is conclusive evidence of the
4 consent of the surviving wife or husband to the provisions of
5 the will.

6 (c) If the surviving spouse is incompetent, the guardian
7 of the spouse or, if there is no guardian, the court shall
8 make the election for the spouse which is considered more
9 advantageous to the spouse and the election is considered as
10 effectual as if made by a competent spouse.

11 (d) The election set out in this section may be made
12 and filed within three months from the admission to probate
13 of any will admitted to probate before the effective date of
14 this section. Failure to make and file the election within
15 the period of three months is conclusive evidence of the con-
16 sent of the surviving wife or husband to the provisions of
17 the will.

18 * Sec. 3. AS 13.05.120 is repealed and re-enacted to read:

19 Sec. 13.05.120. SUBSEQUENT MARRIAGE OR DIVORCE. (a)
20 A will made by an unmarried person is revoked by his or her
21 subsequent marriage, unless provision has been made for the
22 spouse by some settlement or prenuptial agreement, or unless
23 the spouse is provided for by name in the will.

24 (b) A divorce subsequent to the making of a will re-
25 vokes the will as to the divorced spouse.

26 * Sec. 4. AS 13.15.130 is amended to read:

27 Sec. 13.15.130. LIMITATION ON CONTEST OF WILLS. (a)
28 When a will has been admitted to probate, any person inter-
29 ested may, at any time with three [SIX] months after the

1 entry of the order of probate, contest the will or its
2 validity. [ALL PROCEEDINGS FOR THE CONTEST MUST BE BEGUN
3 WITHIN THE TIME HEREIN SPECIFIED.]

4 (b) If a person entitled to contest the probate of a
5 will or its validity is laboring under any legal disability,
6 the time in which he may institute the contest is extended
7 three [SIX] months from and after the removal of the dis-
8 ability or three months from and after the appointment of a
9 guardian ad litem or a guardian of the estate of the person
10 laboring under the legal disability.

11 (c) A foreign will may be contested and annulled with-
12 in the same time and in the same manner as wills executed
13 and proven in the state.

14 * Sec. 5. AS 13.20.010(2) is amended to read:

15 (2) minors under 19 years of age, except as pro-
16 vided in sec. 20 of this chapter;

17 * Sec. 6. AS 13.20.020 is amended to read:

18 Sec. 13.20.020. NONRESIDENTS AND MINORS AS EXECUTORS.
19 If a person is named in a will as executor who is a nonresi-
20 dent of the state or a minor under 19 years of age, upon the
21 removal of the disability he is entitled to qualify as the
22 executor, if he applies within 30 days from the removal of the
23 disability, if he is otherwise competent. If in the meantime
24 the administrator with the will annexed has been appointed,
25 his powers and duties cease with the qualification of the
26 executor. If another executor has qualified and is acting as
27 such, they become joint executors. However, a person named
28 as executor who is a resident at the time of this appointment
29 but thereafter becomes a nonresident, or a person who is a

1 nonresident at the time of his appointment as an executor
2 and does not thereafter become a resident [,] may qualify to
3 serve or to continue to serve as executor, as the case may be,
4 by filing a bond to be approved by the judge and, in addition,
5 the executor shall appoint a lawyer who practices law in the
6 judicial district in which the estate is being probated upon
7 whom service of all papers may be made. The appointment shall
8 be in writing and shall be filed in the court with all other
9 papers of the estate.

10 * Sec. 7. AS 13.20.030 is amended to read:

11 Sec. 13.20.030. LETTERS TESTAMENTARY AND LETTERS OF
12 ADMINISTRATION WITH WILL ANNEXED. When a will is proven,
13 letters testamentary are issued to the person, persons,
14 corporation, or national or state banking association therein
15 named as executor or executors, or to such of them as give
16 notice of their acceptance of the trust and are qualified.
17 If all the persons, corporations, or national or state
18 banking associations therein named decline to accept or are
19 disqualified, letters of administration, with the will annexed,
20 are issued to the person to whom the administration would have
21 been granted if there had been no will.

22 * Sec. 8. AS 13.20.040(3) is amended to read:

23 (3) any other person, corporation, or national or
24 state banking association competent and qualified whom the
25 court may select.

26 * Sec. 9. AS 13.20 is amended by adding a new section to art. 4
27 to read:

28 Sec. 13.20.325. VARIANCE WITH UNIFORM ACT. Secs. 270-
29 320 of this chapter govern, notwithstanding a conflict be-

1 tween these sections and the Uniform Partnership Act (AS 32.05).

2 * Sec. 10. AS 13.30 is amended by adding new sections to read:

3 Sec. 13.30.002. COLLECTION OF PERSONAL PROPERTY BY DIS-
4 TRIBUTEES. The distributees of an estate are entitled to the
5 personal property of the estate without awaiting the appoint-
6 ment of a personal representative or the probate of a will if

7 (1) no petition for the appointment of a personal
8 representative is pending or has been granted;

9 (2) 30 days have elapsed since the death of the
10 decedent;

11 (3) the value of the entire assets of the estate
12 does not exceed \$2,000;

13 (4) there are no known creditors, and no inheritance
14 tax is due; and

15 (5) there is furnished to any person owing money
16 to the estate or having custody of property or evidence of
17 interest in property of the estate, an affidavit showing the
18 existence of the conditions set out in this section and the
19 right of the distributees to receive the money or property or
20 to have the evidence transferred.

21 Sec. 13.30.003. DETERMINATION OF TITLE TO REAL PROPERTY.

22 (a) The distributees of an estate are entitled to the real
23 property of the estate and may make record evidence of title
24 without the appointment of a personal representative or the
25 probate of a will if

26 (1) no petition for the appointment of a personal
27 representative is pending or has been granted;

28 (2) 30 days have elapsed since the death of the
29 decedent;

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(3) the value of the entire assets of the estate does not exceed \$2,000;

(4) there are no known creditors, and no inheritance tax is due;

(5) there is furnished to any person having custody of real property of the estate or acting as registrar or transfer agent of any evidence of interest, property, or right in the estate an affidavit showing the existence of the conditions set out in (1) - (4) of this section and the right of the distributees to receive the property or to have the evidence transferred;

(6) there is recorded in the office of the recorder of each recording district where the real property is situated an affidavit executed by any person having knowledge of the facts showing the existence of the conditions set out in (1) - (5) of this section, describing the real property, naming the persons entitled to the property, and showing their right to succeed to the property, and stating that there are no unsecured claims against the decedent or his estate, including the expenses of the funeral and last illness;

(7) a notice is published in a newspaper of general circulation in each judicial district in which the property is located not less than once a week for four successive weeks; the notice shall describe the real property, state that an affidavit has been recorded on behalf of the persons who claim to be entitled to succeed to the real property showing the names of the distributees and their right to succeed to the property, and notify all persons having claims against the decedent or his estate to file a petition for the appoint-

1 ment of a personal representative within three months after
2 the first publication of the notice or be barred from assert-
3 ing a right or claim against the real property described;

4 (8) there is recorded in the office of the recorder
5 in each recording district in which the property is situated
6 proof of publication of the notice; and

7 (9) no petition for the appointment of a personal
8 representative is filed within three months after the first
9 publication of the notice.

10 (b) The occurrence of the conditions in (a) of this
11 section has the same effect in establishing the right of
12 distributees to succeed to the real property as if complete
13 administration had occurred; but nothing in this section
14 affects the rights of secured creditors with respect to any
15 real property or the right of the state to collect inheritance
16 taxes.

17 Sec. 13.30.004. EFFECT OF AFFIDAVIT. The person making
18 payment, delivery, transfer, or issuance under the affidavit
19 described in secs. 2 and 3 of this chapter is released to the
20 same extent as if the person had made payment, delivery,
21 transfer, or issuance to a personal representative of the
22 decedent. The person is not required to see to the applica-
23 tion of the payment, delivery, transfer, or issuance, or to
24 inquire into the truth of any statement in the affidavit. The
25 distributees to whom payment, delivery, transfer, or issuance
26 is made are answerable to any person having a prior right and
27 are accountable to any personal representative subsequently
28 appointed.

29 Sec. 13.30.005. SUIT BY DISTRIBUTEES. If the person

1 to whom the affidavit described in secs. 2 and 3 of this
2 chapter is delivered refuses to pay, deliver, transfer, or
3 issue the property as provided in secs. 2 - 4 of this chapter,
4 it may be recovered or compelled in an action brought for that
5 purpose by or on behalf of the distributees entitled to it
6 upon proof of the facts required to be stated in the affidavit.

7 Sec. 13.30.006. SETTLEMENT DIRECTED BY COURT. When a
8 judge receives information that a person has died in his
9 judicial district, leaving an estate of \$2,000 or less and no
10 qualified person has appeared to take charge of the assets,
11 the judge may immediately appoint some person, corporation, or
12 attorney to settle the estate in the manner provided for in
13 settlement of estates of \$2,000 or less, or the appointee
14 may administer the estate in the manner provided for in the
15 administration of estates of \$6,000 or less.

16 * Sec. 11. AS 13.30.010 is amended to read:

17 Sec. 13.30.010. NOTICE TO CREDITORS. If, in the admin-
18 istration of the estate of a deceased person in the state,
19 the appraisal of the property shows the value of all of the
20 property of the estate is \$6,000 or less [THAN \$1,000], the
21 judge may, in his discretion, order that no notice to
22 creditors be published as is required by law in the adminis-
23 tration of estates of deceased persons, and the judge may order
24 that the notices to creditors be posted instead in three public
25 places in the judicial district in which the estate is being
26 administered. The posted notices shall require all persons
27 having claims against the estate to present them to the execu-
28 tor or administrator with proper vouchers within 60 days from
29 the date of posting the notices.

1 * Sec. 12. AS 13.30.020 is amended by adding a subsection (c)
2 to read:

3 (c) The judge may permit the executor or administrator
4 to lease or mortgage any property of the estate if he con-
5 siders it in the best interest of the estate.

6 * Sec. 13. AS 13.30.030(a) is amended to read:

7 (a) At the expiration of 60 days from the date of post-
8 ing the notices to creditors, the executor or administrator
9 shall file in court his final report and account with proper
10 vouchers. The report and account shall be in the form and
11 contain the same information as is required by law in estates
12 having the value of more than \$6,000 [\$1,000]. Upon the filing
13 of the report and account, the judge shall require that notice
14 of it be given by posting notices to that effect in three
15 public places in the judicial district. The notices shall
16 also state that, at a certain time not less than 10 days after
17 the date of posting the notices, a hearing will be had by said
18 judge upon the final report and account and of any objections
19 thereto.

20 * Sec. 14. AS 13.30.050 is amended to read:

21 Sec. 13.30.050. NOTICE OF HEARING ON FINAL REPORT AND
22 ACCOUNT NOT REQUIRED. If [WHERE] estates are valued at
23 \$6,000 or less [THAN \$1,000], as provided in sec. 10 of this
24 chapter, it is not necessary to publish a notice of hearing
25 upon the final report and account of the executor or adminis-
26 trator as is required in other cases. Upon the report of the
27 executor or administrator, showing that the order or decision
28 of the judge on the final report and account has been complied
29 with, the executor or administrator may be discharged.

1 * Sec. 15. AS 13.30.100 is amended to read:

2 Sec. 13.30.100. PRESERVATION OF PROPERTY BEFORE
3 ADMINISTRATION. The judge is empowered within his judicial
4 district, when the occasion requires, to take charge of and
5 preserve, before administration, the property and estates of a
6 deceased person subject to administration under secs. 1 - 100
7 [10 - 100] of this chapter. Upon the appointment of an
8 executor or an administrator of the estate of a decedent
9 which may have been taken in charge by a judge hereunder, the
10 judge shall deliver all of the property of the estate which
11 has come into his possession to the executor or administrator,
12 together with a statement of his expense, if any, in connection
13 with the care and preservation of the property and estate.
14 All necessary expenses incurred by a judge for the care and
15 preservation of an estate under this section are a charge
16 against the estate and shall be paid by the executor or
17 administrator as a part of the expenses of the administration.

18 * Sec. 16. AS 13.30 is amended by adding a new section to read:

19 Sec. 13.30.111. PROCEDURE IN NONINTERVENTION WILLS. If
20 the last will and testament of a decedent provides that the
21 estate shall be settled without the intervention of any court,
22 title of the decedent passes to the devisee or heirs on death.
23 It is only necessary that the executor, or person or corpora-
24 tion nominated in his place if he fails to serve, submit the
25 will to the court, prove it, secure letters testamentary,
26 file an inventory, and submit proof of solvency. Thereafter,
27 the estate shall be managed and settled without the inter-
28 vention of any court. However, notice to creditors requiring
29 them to submit their claims within three months shall be

1 published once each week for four weeks in a newspaper of
2 general circulation in the judicial district where the will
3 is probated. The party probating the will may file
4 a final account with the court if he desires and he shall
5 make a report of any inheritance tax due the state or the
6 United States and pay the same from estate funds. Nothing
7 contained in this section shall be construed to prevent the
8 court from ordering the filing of a final account if a peti-
9 tion demanding a final account is filed by an heir, devisee,
10 legatee, creditor, the state or federal government, or any
11 person showing they are adversely affected by failure to
12 file the account.

13 * Sec. 17. AS 13.30.150 is amended to read:

14 Sec. 13.30.150. AWARD OF ENTIRE ESTATE. No other or
15 further awards to the widow and children shall be made from
16 the estate of the decedent [DECEASED] for her or their
17 maintenance and support except that, should the value of
18 the estate not exceed \$500 [\$200] over and above \$8,000
19 [\$4,000], the judge may, upon petition filed for that pur-
20 pose, by decree provide that the whole estate, after payment
21 of funeral expenses, expenses of last illness, and of
22 administration, be set apart for the widow and minor children
23 in like manner and with like effect as in other cases under
24 secs. 120 - 150 of this chapter providing for the support of
25 the widow and minor children.

26 * Sec. 18. AS 13.30.250 is amended to read:

27 Sec. 13.30.250. NOTICE TO CREDITORS. Every executor or
28 administrator shall, immediately after his appointment, pub-
29 lish a notice thereof in some newspaper published in the

1 judicial district, if there is one, or otherwise in such
2 paper as may be designated by the judge, [AS OFTEN AS] once
3 a week for four successive weeks [AND OFTENER IF THE JUDGE
4 DIRECTS]. In case of publication in a paper published out-
5 side the judicial district, the executor or administrator
6 shall also post a notice in at least three public places, to
7 be designated by the judge in his order, one of which shall
8 be at or immediately adjacent to the post office nearest the
9 residence of the decedent at the time of his death. The
10 notice shall require all persons having claims against the
11 estate to present them, with proper vouchers, within three
12 [SIX] months from the date of the notice, to the executor
13 or administrator, at a place within the judicial district
14 specified. Before the expiration of the three [SIX] months,
15 a copy of the notice as published, with the proper proof of
16 publication, shall be filed with the judge.

17 * Sec. 19. AS 13.30.260 is amended to read:

18 Sec. 13.30.260. TIME FOR PRESENTING CLAIMS. A claim
19 not presented within three [SIX] months after the first pub-
20 lication of the notice is not barred, but it cannot be paid
21 until the claims presented within that period have been
22 satisfied, and, if the claim is not then due or if it is
23 contingent, it shall, nevertheless, be presented as any other
24 claim. Until the administration has been completed, a claim
25 against the estate not barred by the statute of limitations
26 may be presented, allowed, and paid out of any assets then
27 in the hands of the executor or administrator not otherwise
28 appropriated or liable.

29 * Sec. 20. AS 13.30.340 is amended to read:

1 Sec. 13.30.340. ORDER OF PAYMENT. The charges and
2 claims against the estate which have been presented and
3 allowed, or presented and disallowed but subsequently estab-
4 lished by judgment within the first three [SIX] months after
5 the date of the notice of appointment of the executor or
6 administrator, except when a longer period is allowed if the
7 claim is in litigation, shall be paid in the following order
8 and those presented and allowed or established in like manner
9 and with each succeeding period of three [SIX] months there-
10 after during the continuance of the administration in the
11 same manner:

12 (1) funeral charges and expenses of last illness;
13 (2) taxes of whatever nature due the United States
14 for which lien claim has been filed for record in accordance
15 with AS 43.10.090;

16 (3) taxes of whatever nature due the state for
17 which it holds a prior, paramount lien;

18 (4) all other taxes of whatever nature to whomso-
19 ever due and all debts which at decedent's death were a lien
20 upon his property or any right or interest therein according
21 to the respective priority of the several liens of the taxes
22 and debts;

23 (5) wages earned by [DEBTS PREFERRED BY THE BANK-
24 RUPTCY LAWS OF THE UNITED STATES AND DEBTS DUE] employees of
25 decedent [FOR WAGES EARNED] within the 90 days immediately
26 preceding the death of the decedent;

27 (6) debts preferred by the bankruptcy laws of the
28 United States; and

29 (7) [6] all other claims against the estate.

1 * Sec. 21. AS 13.30.360 is amended to read:

2 Sec. 13.30.360. PRORATION. Except as specially pro-
3 vided in secs. 340 and 350 of this chapter, if the estate
4 is insufficient to pay all the claims and charges of any one
5 class, payable within any period of three [SIX] months during
6 the administration, as provided in sec. 340 of this chapter,
7 each creditor of such class is paid in proportion to the
8 amount of his claim, and not otherwise.

9 * Sec. 22. AS 13.30.490 is amended to read:

10 Sec. 13.30.490. ORDER FOR SALE OF REAL PROPERTY. If,
11 upon the hearing, the judge finds it is necessary that the
12 real property, or any portion of it should be sold, he shall
13 make the order accordingly, and prescribe the terms of the
14 sale, whether for cash, or credit, or both, and if the pro-
15 perty cannot be divided without probable injury and loss to
16 the estate, he may order that it, or any specific lot or por-
17 tion of it, be sold wholly, whether otherwise necessary or not.
18 The judge may order that the real property be sold at private
19 sale if he considers it in the best interest of the estate.

20 * Sec. 23. AS 13.30.500 is repealed and re-enacted to read:

21 Sec. 13.30.500. TERMS AND MANNER OF SALE. (a) Upon the
22 order being made, the executor or administrator shall sell
23 the property therein specified upon the terms and in the
24 manner directed.

25 (b) If the order does not specify the manner of sale,
26 then the sale shall be made in the same manner as like
27 property is sold on execution. However, the judge may, if he
28 considers it best, order the property to be sold on the
29 premises. When the property is offered for sale in the

1 same manner as like property is sold on execution and no bid
2 or acceptable bid is received, then the judge shall, upon
3 application of the executor or administrator, direct that the
4 property may be sold at a private sale.

5 (c) When the sale is upon credit, the executor or
6 administrator shall take the note of the purchaser for the
7 purchase money, with a mortgage upon the property to secure
8 the payment thereof.

9 * Sec. 24. AS 13.30 is amended by adding a new section to
10 art. 6 to read:

11 Sec. 13.30.675. REQUEST BY HEIRS TO SELL REAL PROPERTY.

12 When all claims, debts, and expenses have been paid and real
13 property remains in the hands of the executor or administrator,
14 he may sell the real property if the heir or heirs so direct
15 in a written request which has been acknowledged as in a
16 deed and filed in the court having the probate of the estate.

17 * Sec. 25. AS 13.30.680 is amended to read:

18 Sec. 13.30.680. EXECUTOR OR ADMINISTRATOR. An executor
19 or administrator shall, within three [SIX] months from the
20 date of the notice of his appointment, and within every six
21 months thereafter until the administration is completed and
22 he is discharged from his trust, render an account, verified
23 by his own oath, and file the same with the judge, showing
24 the amount of money received and expended by him, from whom
25 received and to whom paid, with the proper vouchers for the
26 payments; the amount of the claims presented against the
27 estate and allowed or disallowed, and the name of the claimants
28 of each; and any other matter necessary to show the condition
29 of the affairs thereof.

1 * Sec. 26. AS 13.30.700 is amended to read:

2 Sec. 13.30.700. ORDER TO PAY CLAIMS AND EXPENSES.

3 Within 30 days after the filing of the first [SEMIANNUAL]
4 account, and at each semiannual account thereafter, the judge
5 shall ascertain and determine if the estate is sufficient to
6 satisfy the claims allowed by the executor or administrator,
7 within the first three[SIX] months or any succeeding period
8 within six months thereafter, after the date of the notice of
9 his appointment, after paying the funeral charges and expenses
10 of administration; and if so, he shall so order and direct.
11 If the estate is insufficient for that purpose, he shall
12 ascertain what per cent of the claims it is sufficient to
13 satisfy, and order and direct accordingly.

14 * Sec. 27. AS 13.30.710(a) is amended to read:

15 (a) When the estate is fully administered it is the
16 duty of the executor or administrator to file his final
17 account except in a nonintervention will when no order re-
18 quires the filing of a final account as set out in sec. 111
19 of this chapter. The account shall be verified and contain a
20 detailed statement of the amount of money received and expended
21 by him, from whom received and to whom paid, and refer to the
22 vouchers for payments, and the amount of money and property,
23 if any, remaining unexpended or unappropriated. Upon the
24 filing of the final account, the judge shall make an order
25 setting the time and place for hearing objections to the
26 final account, and directing notice of hearing to be given by
27 publishing the order one time in a newspaper of general circu-
28 lation in the judicial district and posting notices in three
29 public places in the judicial district for not less than 30

1 days [THEREOF TO BE GIVEN IN THE SAME MANNER AS A NOTICE OF
2 AN APPOINTMENT OF AN EXECUTOR OR ADMINISTRATOR AND APPOINT A
3 DAY NOT LESS THAN 60 DAYS THEREAFTER FOR THE HEARING OF
4 OBJECTIONS TO THE FINAL ACCOUNT AND THE SETTLEMENT THEREOF].

5 * Sec. 28, AS 13.30.870 is amended to read:

6 Sec. 13.30.870. PARTIAL DISTRIBUTION. At any time
7 after the filing of the first [SEMIANNUAL] account and heir,
8 devisee, or legatee may apply to the judge by petition for
9 an order that he have the possession and rents and profits
10 thereof of the portion of the real property to which he may
11 be entitled, and that payment be made to him of his legacy
12 or distributive share of the personal property of the estate,
13 as the case may be.

14 * Sec. 29. AS 13.45.020(a) is amended to read:

15 (a) In [AS USED IN] this title [THE TERM]

16 (1) "will" is construed to include all codicils
17 as well as wills;

18 (2) "distributee" denotes a person who is entitled
19 to the real and personal property of a decedent under will or
20 under statutes of descent and distribution.

21 * Sec. 30. AS 13.10.140, 13.15.010(8), 13.15.020, 13.15.040,
22 13.20.070, 13.20.080, 13.30.060 - 13.30.090, 13.30.110, 13.30.920
23 13.30.940, 13.40.010 - 13.40.030, and AS 13.35 are repealed.

24 * Sec. 31. This Act takes effect on July 1, 1963, subject to
25 the following provisions:

26 (1) All wills made under the law of this state as it
27 existed before July 1, 1963, are valid if valid under that former
28 law. However, if the will is amended, revoked, or added to after
29 June 30, 1963, the validity of the entire will is governed by this

1 Act.

2 (2) The provisions of this Act govern all proceedings in
3 probate brought after June 30, 1963, and also all further pro-
4 cedure in proceedings in probate then pending. However, if the
5 application of this Act in proceedings or parts thereof commenced
6 under the law of this state as it existed before July 1, 1963,
7 would not be feasible or would work injustice, the court may apply
8 the former statutory provisions.

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