

Introduced: 2/17/70  
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 735

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to self-proved wills."

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

8 \* Section 1. AS 13.05.060 is repealed and re-enacted to read:

9 Sec. 13.05.060. REQUISITES OF A WILL. (a) Every will shall be  
10 in writing, signed by the testator, or by some other person under his  
11 direction in his presence, and shall be attested to by two or more  
12 competent witnesses, subscribing their names to the will in the  
13 presence of the testator.

14 (b) A will which complies with (a) of this section may, at the  
15 time of its execution or at any subsequent date during the lifetime  
16 of the testator and the witnesses, be made self-proved, and the  
17 testimony of the witnesses in the probate of the will be made unneces-  
18 sary, by the affidavit of the testator and the attesting witnesses,  
19 made before a person authorized by law to take acknowledgements to  
20 deeds and to administer oaths. However, nothing requires the affidavit  
21 acknowledgement or certificate of a testator as a prerequisite to  
22 self-proof of a will other than the certificate provided for in this  
23 subsection. The affidavits shall be evidenced by a certificate, with  
24 official seal affixed, of the person before whom the affidavits of the  
25 testator and the attesting witnesses were made, attached or annexed to  
26 the will in form and content substantially as follows:

27 STATE OF ALASKA )  
28 \_\_\_\_\_ JUDICIAL DISTRICT) ss.

29 Before me, the undersigned authority, on this day personally

1 appeared \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_,  
2 known to me to be the testator and the witnesses, respectively,  
3 whose names are subscribed to the annexed or attached instrument  
4 in their respective capacities, and, all of these persons being  
5 by me duly sworn, \_\_\_\_\_, testator, declared to me and  
6 to the witnesses in my presence that the annexed or attached  
7 instrument is his last will, and that he had willingly made and  
8 executed it as his free act and deed for the purposes expressed  
9 in the will; and the witnesses, each on his oath stated to me,  
10 in the presence and hearing of the testator, that the testator  
11 had declared to them that the annexed or attached instrument is  
12 his last will, and that he executed it as such and wanted each of  
13 them to sign it as a witness; and upon their oaths each witness  
14 stated further that they signed the instrument as witnesses in the  
15 presence of the testator and at his request; that he was at that  
16 time 19 years of age or older and was of sound mind; and that  
17 each of the witnesses was competent to be a witness.

18 DATED: \_\_\_\_\_  
19 \_\_\_\_\_ Testator  
20 \_\_\_\_\_ Witness  
21 \_\_\_\_\_ Witness

22 SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_  
23 day of \_\_\_\_\_, 19\_\_.

24 (signed) \_\_\_\_\_  
25 (Title)

26 (c) A self-proved will may be admitted to probate without the  
27 testimony of a subscribing witness, but otherwise shall be treated no  
28 differently than a will not self-proved.

29 (d) Holographic wills, with or without attestation, are admitted  
to probate the same as other wills and are proved in the same manner  
as other private writings.