



LAWS OF ALASKA

1970

Source

HB 735

Chapter No.

215

AN ACT

Relating to self-proved wills.

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

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 AS 13.05.060 is repealed and re-enacted to read:

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

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

STATE OF ALASKA

)

_____ JUDICIAL DISTRICT) ss.

Before me, the undersigned authority, on this

day personally appeared _____, _____, and _____, known to me to be the testator and the witnesses, respectively, whose names are subscribed to the annexed or attached instrument in their respective capacities, and, all of these persons being by me duly sworn, _____, testator, declared to me and to the witnesses in my presence that the annexed or attached instrument is his last will, and that he had willingly made and executed it as his free act and deed for the purposes expressed in the will; and the witnesses, each on his oath stated to me, in the presence and hearing of the testator, that the testator had declared to them that the annexed or attached instrument is his last will, and that he executed it as such and wanted each of them to sign it as a witness; and upon their oaths each witness stated further that they signed the instrument as witnesses in the presence of the testator and at his request; that he was at that time 19 years of age or older and was of sound mind; and that each of the witnesses was competent to be a witness.

DATED: _____

_____ Testator

_____ Witness

_____ Witness

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 19__.

(signed) _____

(Title)

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

(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.