

6/30/82

Eighth Supplement to Memorandum 82-70

Subject: Study L-625 - Probate Code (Tentative Recommendation--
Trusts, Devise to Minor, Notice of Will, International
Wills §§ 206.010-210.100)

Attached are the following portions of Part 1 of Division 2 (Wills)
of the proposed legislation:

- Chapter 7. Uniform Testamentary Additions to Trusts Act §§ 206.010-
206.040
- Chapter 8. Life Insurance and Other Trusts §§ 206.500-206.600
- Chapter 9. Devise Subject to Uniform Gifts to Minors Act §§ 207.010-
207.100
- Chapter 10. Filing Notice of Will §§ 208.010-208.060
- Chapter 12. Uniform International Wills Act §§ 210.010-210.100

The preliminary portion of the tentative recommendation which
relates to this portion of the proposed legislation also is attached.

It should be noted that we have included in the proposed legislation
a provision (Section 207.010) that expands existing law to permit a will
to make a devise to a custodian under the California Uniform Gifts to
Minors Act of any kind of property, real or personal. This expansion of
existing law is consistent with a bill that is likely to pass the Legislature
this session.

Respectfully submitted,

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Executive Secretary

Filing Notice of Will

A practical problem after the death of a person is to ascertain whether the person made a will and, if so, its location. Even if the existence and location of a will are known, it is still necessary to search for codicils and possible subsequent wills.¹ This task is greatly simplified in the case of a will executed in conformity with the Uniform International Wills Act² by voluntary registration with the California Secretary of State of a notice which may indicate the intended place of deposit or safekeeping of the will.³ The information in the notice is kept in strict confidence until the death of the maker. After the death of the maker, the Secretary of State makes the information available to any person who presents a death certificate or other satisfactory evidence of the testator's death.⁴

The proposed law permits filing of information concerning wills generally, not just international wills.⁵ Filing of information is voluntary, as in the case of an international will; failure to file does not affect the validity of the will. The will itself is not filed, only certain identifying information and a statement of the location of the will. However a petitioner for probate of a will or for letters of administration must request the Secretary of State to search the file for information concerning the decedent's will, and a certificate reporting the information or that no information is on file must be filed in the court proceeding.⁶ It is anticipated that this procedure, involving

1. Farrand, Immediate Arrangements, in 1 California Decedent Estate Administration § 1.16, at 16 (Cal. Cont. Ed. Bar 1971).
2. Prob. Code §§ 60-60.8. Use of an international will is intended to facilitate proving the validity of the will in countries which are signatories to the international convention. The proposed law continues the Uniform International Wills Act without substantive change.
3. Prob. Code § 60.8.
4. Prob. Code § 60.8.
5. Such a scheme has been adopted in British Columbia. See Wills Act, B.C. Rev. Stat. (1979).
6. The requirement that a certificate of the Secretary of State be filed in the probate proceeding would not become operative until five years after the effective date of the proposed law in order to

a relatively modest cost,⁷ will result in finding wills that otherwise might not have been found.⁸

allow sufficient time for a significant number of notices to be filed.

7. The fee for filing the notice of will or for requesting a certificate is five dollars.
8. This has been the result in British Columbia, which has had a favorable experience with such a scheme. See Law Reform Comm'n of British Columbia, Report on the Making and Revocation of Wills 114 (1981).

CHAPTER 7. UNIFORM TESTAMENTARY ADDITIONS TO TRUSTS ACT

§ 206.010. Testamentary additions to trusts

206.010. A devise, the validity of which is determinable by the law of this state, may be made by a will to the trustee of a trust established or to be established by the testator or by the testator and some other person or by some other person (including a funded or unfunded life insurance trust, although the trustor has reserved any or all rights of ownership of the insurance contracts) if the trust is identified in the testator's will and its terms are set forth in a written instrument (other than a will) executed before or concurrently with the execution of the testator's will or in the valid last will of a person who has predeceased the testator (regardless of the existence, size, or character of the corpus of the trust). The devise is not invalid because the trust is amendable or revocable, or both, or because the trust was amended after the execution of the will or after the death of the testator. Unless the testator's will provides otherwise, the property so devised (1) is not deemed to be held under a testamentary trust of the testator but becomes a part of the trust to which it is given and (2) shall be administered and disposed of in accordance with the provisions of the instrument or will setting forth the terms of the trust, including any amendments thereto made before the death of the testator (regardless of whether made before or after the execution of the testator's will) and, if the testator's will so provides, including any amendments to the trust made after the death of the testator. A revocation or termination of the trust before the death of the testator causes the devise to lapse.

Comment. Section 206.010 continues the substance of former Section 170 and is the same in substance as Section 2-511 of the Uniform Probate Code. See also Section 100.090 ("devise" means a testamentary disposition of real or personal property).

9412

§ 206.020. Effect on prior wills

206.020. This chapter does not invalidate any devise made by a will executed prior to September 17, 1965.

Comment. Section 206.020 continues the substance of former Section 171. September 17, 1965, was the effective date of former Sections 170-173. See also Section 100.090 ("devise" means a testamentary disposition of real or personal property).

9415

§ 206.030. Uniform construction

206.030. This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Comment. Section 206.030 continues former Section 172.

9418

§ 206.040. Short title

206.040. This chapter may be cited as the Uniform Testamentary Additions to Trust Act.

Comment. Section 206.040 continues former Section 173.

2175/NZ

CHAPTER 8. LIFE INSURANCE AND OTHER TRUSTS

§ 206.500. Definitions

206.500. As used in this chapter, unless the context otherwise requires:

(a) "Contract or plan" means any of the following:

(1) An insurance, annuity, or endowment contract (including any agreement issued or entered into by the insurer in connection therewith, supplemental thereto, or in settlement thereof).

(2) A pension, retirement benefit, death benefit, stock bonus, profit-sharing or employees' saving plan, or contract created or entered into by an employer for the benefit of some or all of his or her employees.

(3) A trust, security, or account established or held pursuant to the [Self Employed Individuals' Tax Retirement Act of 1962 (Pub. L. 87-792)]. [Staff will substitute appropriate citation.]

(b) "Designation" means a designation made pursuant to Section 206.510.

Comment. Subdivision (a) of Section 206.500 is drawn from former Section 175, but the reference to _____ has been substituted for the Self Employed Individuals' Tax Retirement Act of 1962. Subdivision (b) is new and is included for convenience in drafting.

7913

§ 206.510. Designation of trustee as beneficiary, payee, or owner

206.510. A contract or plan may designate as a primary or contingent beneficiary, payee, or owner a trustee named or to be named in the will of the person entitled to designate such beneficiary, payee, or owner. The designation shall be made in accordance with the provisions of the contract or plan or in the absence of such provisions, in a manner approved by the insurer if an insurance, annuity, or endowment contract is involved, and by the trustee, custodian, or person or entity administering the contract or plan, if any. The designation may be made before or after the execution of the designator's will and shall not be required to comply with the formalities for execution of a will.

Comment. Section 206.510 continues a portion of former Section 175.

7914

§ 206.520. Requirement of provisions in the will

206.520. The designation shall be ineffective unless the designator's will contains provisions creating the trust or makes a disposition valid under Section 203.020.

Comment. Section 206.520 continues former Section 176.

7915

§ 206.530. Payment to trustee without administration

206.530. Subject to the provisions of Section 206.550, the benefits or rights resulting from the designation are payable or transferable directly to the trustee, without becoming subject to administration, upon or at any time after admission of the designator's will to probate. A designation pursuant to this chapter shall not be deemed to have the effect of naming a trustee of a separate inter vivos trust but the

rights and benefits or the proceeds thereof when paid to such trustee shall be, or become a part of, the testamentary trust or trusts established pursuant to the designator's will or shall be added to an inter vivos trust or trusts if the disposition is governed by Section 206.010.

Comment. Section 206.530 continues the substance of former Section 177.

7916

§ 206.540. Liability of rights and benefits to debts of designator

206.540. Except as otherwise provided in the designator's will, the rights and benefits and their proceeds paid or transferred to the trustee are not subject to the debts of the designator to any greater extent than if they were paid or transferred to a named beneficiary, payee, or owner other than the estate of the designator.

Comment. Section 206.540 continues the substance of former Section 178.

7917

§ 206.550. Jurisdiction of court

206.550. (a) The court in which the proceedings are pending for administration of the estate of the decedent has jurisdiction, before or after payment or transfer of benefits and rights or their proceeds to the trustee, to:

- (1) Determine the validity of the trust.
- (2) Determine the terms of such trust.
- (3) Fill vacancies in the office of trustee.
- (4) Require an undertaking of a trustee or successor trustee in its discretion and in such amount as it may determine for the faithful performance of duties as trustee, subject to the provisions of Article 3 (commencing with Section 1540) of Chapter 12 of Division 1 of the Financial Code and Section 1127.5.
- (5) Grant additional powers to the trustee, as provided in Section 1120.2.
- (6) Instruct the trustee.
- (7) Determine, fix, or allow payment of compensation of a trustee as provided in Section 1122.

(8) Hear and determine adverse claims to the subject of the trust by the personal representative, surviving spouse, or other third person.

(9) Determine the identity of the trustee and the trustee's acceptance or rejection of the office, and upon request, furnish evidence of trusteeship to a trustee.

(10) Order postponement of the payment or transfer of the benefits and rights or their proceeds.

(11) Make any order incident to the foregoing or to the accomplishment of the purposes of this chapter.

(12) Authorize or direct removal of the trust or assets of the trust to another jurisdiction pursuant to the procedure provided in Article 3 (commencing with Section 1139) of Chapter 19 of Division 3.

(b) The personal representative of the designator's estate, any trustee named in the will or designation or successor to such trustee, or any person interested in the estate or trust may petition the court for an order under this section. Notice of hearing of the petition shall be given in the manner provided in Section 1120, except as the court may otherwise order.

Comment. Section 206.550 continues the substance of former Section 179.

7918

§ 206.560. Applicability of provisions for administration of testamentary trusts

206.560. As to matters not specifically provided in Section 206.550, the provisions of Chapter 19 (commencing with Section 1120) of Division 3 apply to the trust.

Comment. Section 206.560 continues the substance of former Section 180.

7919

§ 206.570. Appeal

206.570. An appeal may be taken from any of the following:

(a) Any order described in Section 1240 made pursuant to this chapter.

(b) An order making or refusing to make a determination specified in paragraph (1), (2), or (8) of subdivision (a) of Section 206.550.

Comment. Section 206.570 continues the substance of former Section 181.

7920

§ 206.580. Absence of qualified trustee

206.580. If no qualified trustee makes claim to the benefits or rights or proceeds within one year after the death of the designator, or if satisfactory evidence is furnished within such one-year period showing that no trustee can qualify to receive them, payment or transfer may be made, unless the designator has otherwise provided, by the obligor to the personal representative of the designator or to those thereafter entitled, and the obligor shall be discharged from liability.

Comment. Section 206.580 continues former Section 182.

7921

§ 206.590. Inheritance tax

206.590. The proceeds of an insurance policy, as defined in Article 6 (commencing with Section 13721), Chapter 4, Part 8, Division 2 of the Revenue and Taxation Code, when collected by a trustee acting pursuant to this chapter shall not be subjected to inheritance tax to any greater extent than if such proceeds were the proceeds of an insurance policy payable to the beneficiaries of the trust as named beneficiaries of the policy.

Comment. Section 206.590 continues former Section 183.

7922

§ 206.600. No effect on other trusts

206.600. Enactment of this chapter does not invalidate trusts, otherwise valid, not made pursuant to the provisions of this chapter or affect the construction of inheritance tax laws in relation to such trusts.

Comment. Section 206.600 continues former Section 184.

CHAPTER 9. DEVISE SUBJECT TO UNIFORM GIFTS
TO MINORS ACT

§ 207.010. Devise to minor under this chapter

207.010. A testator may devise securities, money, life or endowment policies, annuity contracts, real estate, tangible personal property, or any other type of property, as these terms are defined or used in the California Uniform Gifts to Minors Act, Article 4 (commencing with Section 1154) of Chapter 3 of Title 4 of Part 4 of Division 2 of the Civil Code, to a person who is a minor as provided in this chapter.

Comment. Section 207.010 continues former Section 186 as amended by 1982 Cal. Stats. ch. ___ [AB 2393]. See Section 100.090 (devise means testamentary disposition of real or personal property).

§ 207.020. Applicability of Uniform Gifts to Minors Act

207.020. If a testator's will provides that devised property shall be paid or delivered to a custodian subject to the California Uniform Gifts to Minors Act, all of the provisions of that act, including, but not limited to, the definitions and the provisions concerning powers, rights, and immunities contained in that act, are applicable to the devise during the period prior to distribution of the property.

Comment. Section 207.020 continues the substance of former Section 186.1.

38668

§ 207.030. Designation of custodian

207.030. The devise under this chapter shall be made to a designated adult person or a trust company qualified to do business in this state with the words, in substance, "as custodian for (name of minor) under the California Uniform Gifts to Minors Act." Failure to name a qualified custodian does not invalidate the devise as a devise permitted by this chapter. A variation in the wording of the devise from the wording set forth in this section shall be disregarded if the testator's intent to make a devise pursuant to this chapter appears from the will as a whole or from the wording of the devise.

Comment. Section 207.030 continues the substance of former Section 186.2.

§ 207.040. Noncomplying bequest

207.040. Unless the will clearly requires otherwise, a devise which does not comply with the provisions of Sections 207.010, 207.020, and 207.030, or a devise to a person who becomes an adult prior to the order for distribution, shall be deemed to be a direct devise to the person named as the minor for whom the property was to be held.

Comment. Section 207.040 continues the substance of former Section 186.3.

§ 207.050. Distribution of property

207.050. If a testator provides for a devise to be paid or delivered as provided in this chapter, the executor or administrator of the testator's estate, upon entry of an order for distribution, shall make distribution pursuant to the order for distribution by transferring the devised property in the form and manner provided by the California Uniform Gifts to Minors Act.

Comment. Section 207.050 continues the substance of former Section 186.4.

26266

§ 207.060. Successor or alternate custodians; compensation

207.060. The testator in his or her will may provide for successor or alternate custodians and may specify the standard of compensation of the custodian.

Comment. Section 207.060 continues the substance of former Section 186.5.

404/668

§ 207.070. Successor custodian

207.070. If a vacancy in the custodianship exists prior to full distribution of the devised property by the executor or administrator, a

successor custodian shall be appointed for any undistributed property in the manner provided by the California Uniform Gifts to Minors Act.

Comment. Section 207.070 continues the substance of former Section 186.6.

4631

§ 207.080. Notice to and participation of custodian

207.080. (a) Except as otherwise provided in the will or ordered by a court, each custodian designated in the will and the person for whom the property is to be held shall be deemed a devisee for the purpose of receiving notices which may be required or permitted to be sent to a devisee or legatee in the estate of the testator.

(b) Unless required by the will or ordered by the court, a custodian does not have a duty to participate in the proceedings in the estate on behalf of the minor, and in no event does the custodian have a duty to so participate until the custodian has filed a written notice of acceptance of the office of custodian with the clerk of the court in which administration of the estate of the testator is pending.

Comment. Section 207.080 continues the substance of former Section 186.7.

39275

§ 207.090. Jurisdiction of court

207.090. Until distribution of the property pursuant to an order for distribution is completed, the court in which administration of the estate of the testator is pending has exclusive jurisdiction over all proceedings and matters concerning undistributed property, including, but not limited to, the appointment, declination, resignation, removal, bonding, and compensation of, and the delivery or transfer of the undistributed property to, a custodian. After distribution of any property is completed, the court has no further jurisdiction over the distributed property and the property shall be held subject to the California Uniform Gifts to Minors Act in the same manner as if it had been a lifetime gift.

Comment. Section 207.090 continues the substance of former Section 186.8.

§ 207.100. Not exclusive procedure

207.100. This chapter shall not be construed as providing an exclusive method for making devises to or for the benefit of minors.

Comment. Section 207.100 continues the substance of former Section 186.9.

8345

CHAPTER 10. FILING NOTICE OF WILL

§ 208.010. Filing notice of will

208.010. (a) A person who has made a will may file a notice of will in the office of the Secretary of State.

(b) The notice of will shall contain the following information:

(1) The name of the testator.

(2) The testator's address.

(3) The testator's social security or other individual-identifying number established by law, if any.

(4) The testator's date and place of birth.

(5) A statement that the testator has made a will and the date of the will.

(6) The place where the will is kept.

(c) The notice may include any of the following:

(1) The name and address of the testator's attorney.

(2) The name and address of a person who has custody of the will or custody of a copy of the will.

(d) If the testator's name is changed or if the place where the will is kept is changed, the testator may file a new notice of will containing the correct information. The new notice of will may also refer to the earlier notice of will.

(e) The filing of a notice of will, or the failure to file a notice of will, under this section does not affect the validity of the will.

Comment. Section 208.010 provides a new voluntary procedure for filing a notice of the existence and location of a will. It is anticipated that this procedure will result in finding wills that otherwise might not have been found. Although the registration is voluntary, it should be noted that a search of the records is required. See Sections 208.040, 208.050. This section does not require or permit the filing of the will itself. The procedure provided by this chapter is distinct from that provided under the International Wills Act. See Section 210.100 (registry system for international wills information).

§ 208.020. Filing notice of revocation

208.020. (a) A person who has filed a notice of will pursuant to Section 208.010 and who has revoked the will referred to in the notice may file in the office of the Secretary of State a notice of revocation of will.

(b) The notice of revocation of will shall contain the following information:

(1) The name of the person who is revoking the will.

(2) The person's address.

(3) The person's social security or other individual-identifying number established by law, if any.

(4) The person's date and place of birth.

(5) A statement that the will referred to in a notice of will filed by the person pursuant to Section 208.010 has been revoked.

(c) The filing of a notice of revocation under this section does not itself revoke the will. The failure to file a notice of revocation under this section does not affect the validity of a revocation of a will.

Comment. Section 208.020 is new. This section is intended to provide information as to the revocation of a will.

8347

§ 208.030. Filing and indexing of notices; fee

208.030. Upon presentation of a notice of will or notice of revocation of will for filing and tender of the filing fee to the office of the Secretary of State, the notice shall be filed and indexed. The fee for filing and indexing a notice of will or notice of revocation of will is five dollars (\$5).

Comment. Section 208.030 is new. This section is patterned on similar provisions applicable to financing statements filed under the Commercial Code. See Com. Code § 9403.

§ 208.040. Release of information

208.040. (a) Information filed pursuant to this chapter shall be kept in strictest confidence until the death of the testator.

(b) After the death of the testator, upon the request of a person who presents a death certificate or other satisfactory evidence of the testator's death, the Secretary of State shall issue a certificate reporting the information on file about the testator's will. If no information on the testator's will is on file, the Secretary of State's certificate shall state that fact. The fee for a certificate under this section is five dollars (\$5).

Comment. Subdivision (a) of Section 208.040 is similar to a portion of Section 210.100 in the International Wills Act. Subdivision (b) is drawn in part from Section 210.100 of the International Wills Act. A certificate from the Secretary of State is necessary in proceedings under this code where the existence of a will is relevant, as provided in Section 208.050.

27628

§ 208.050. Filing of certificate in probate and other proceedings

208.050. (a) A certificate of the Secretary of State issued pursuant to Section 208.040 shall be filed with the court:

(1) In proceedings for probate of a will or for administration, at a time before any distribution is made or before the time for filing claims expires, whichever is earlier.

(2) In any other proceeding under this code in which the existence of a will is relevant, promptly after the commencement of the proceeding.

(b) This section becomes operative on January 1, 1989.

Comment. Subdivision (a) of Section 208.050 makes clear that a petitioner in any proceeding concerning the disposition of property upon death must file a Secretary of State's certificate relating to whether there is notice of a will on file. Subdivision (b) delays the application of this requirement to allow time for a significant number of notices to be filed.

27629

§ 208.060. Regulations

208.060. The Secretary of State may prescribe the form of the notices and other papers under this chapter.

CHAPTER 11. [RESERVED]

CHAPTER 12. UNIFORM INTERNATIONAL WILLS ACT

Comment. Chapter 12 (commencing with Section 210.010) continues the Uniform International Wills Act, formerly set forth in Chapter 2.5 (commencing with Section 60) of Division 1, without substantive change. The following table shows the corresponding sections of this chapter, former law, and the Uniform International Wills Act as set forth in the Uniform Probate Code.

<u>New Sections</u>	<u>Former Section</u>	<u>Uniform Probate Code Section</u>
210.010	60	2-1001
210.020	60.1	2-1002
210.030	60.2	2-1003
210.040	60.3	2-1004
210.050	60.4	2-1005
210.060	60.5	2-1006
210.070	60.6	2-1007
210.080	60.7	2-1008
210.090	60.8, para. 1	2-1009
210.100	60.8, para. 2	2-1010

For additional discussion, see the Comments following the sections in the Uniform Probate Code.

27242

§ 210.010. Definitions

210.010. In this chapter:

(a) "International will" means a will executed in conformity with Sections 210.020 to 210.050, inclusive.

(b) "Authorized person" and "person authorized to act in connection with international wills" means a person who by Section 210.090, 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.

§ 210.020. Validity of international will

210.020. (a) 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.

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

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

§ 210.030. Requirements of international will

210.030. (a) The will shall be made in writing. It need not be written by the testator himself or herself. It may be written in any language, by hand or by any other means.

(b) 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 or her will and that he or she knows the contents thereof. The testator need not inform the witnesses, or the authorized person, of the contents of the will.

(c) In the presence of the witnesses, and of the authorized person, the testator shall sign the will or, if he or she has previously signed it, shall acknowledge his or her signature.

(d) If the testator is unable to sign, the absence of his or her signature does not affect the validity of the international will if the testator indicates the reason for his or her inability to sign and the authorized person makes note thereof on the will. In that case, 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 or her 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 or her.

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

27243

§ 210.040. Additional requirements of international will

210.040. (a) The signatures shall be placed at the end of the will. If the will consists of several sheets, each sheet shall be signed by the testator or, if he or she is unable to sign, by the person signing on his or her behalf or, if there is no such person, by the authorized person. In addition, each sheet shall be numbered.

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

(c) The authorized person shall ask the testator whether he or she wishes to make a declaration concerning the safekeeping of his or her will. If so and at the express request of the testator, the place where he or she intends to have his or her will kept shall be mentioned in the certificate provided for in Section 210.050.

(d) A will executed in compliance with Section 210.030 is not invalid merely because it does not comply with this section.

§ 210.050. Certificate of authorized person

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

CERTIFICATE

(Convention of October 26, 1973)

1. I, _____ (name, address, and capacity), a person authorized to act in connection with international wills,
2. certify that on _____ (date) at _____ (place)
3. (testator) _____
(name, address, date and place of birth) in my presence and that of the witnesses
4. (a) _____ (name, address, date and place of birth)
(b) _____ (name, address, date and place of birth) has declared that the attached document is his will and that he knows the contents thereof.
5. I furthermore certify that:
6. (a) in my presence and in that of the witnesses
 - (1) the testator has signed the will or has acknowledged his signature previously affixed.
 - *(2) following a declaration of the testator stating that he was unable to sign his will for the following reason _____, I have mentioned this declaration on the will,
* and the signature has been affixed by _____
(name and address)
7. (b) the witnesses and I have signed the will;
8. *(c) each page of the will has been signed by _____ and numbered;
9. (d) I have satisfied myself as to the identity of the testator and of the witnesses as designated above;

10. (e) the witnesses met the conditions requisite to act as such according to the law under which I am acting;
11. *(f) the testator has requested me to include the following statement concerning the safekeeping of his will:

-
12. PLACE OF EXECUTION
 13. DATE
 14. SIGNATURE and, if necessary, SEAL

* to be completed if appropriate

27245

§ 210.060. Effect of certificate

210.060. 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.

§ 210.070. Revocation

210.070. The international will is subject to the ordinary rules of revocation of wills.

§ 210.080. Source and construction

210.080. Sections 210.010 to 210.070, inclusive, 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 shall be had to its international origin and to the need for uniformity in its interpretation.

§ 210.090. Authorized persons

210.090. Individuals who have been admitted to practice law before the courts of this state and who are in good standing as active law practitioners of this state are authorized persons in relation to international wills.

§ 210.100. Registry system

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

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