

No. 105

AN ACT

HB 1818

Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the acknowledgment by testator and affidavits of witnesses to wills and their effect.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Chapter 31 of Title 20, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, added June 30, 1972 (P.L.508, No.164), is amended by adding a section to read:

§ 3132.1. Self-proved wills.

(a) Proof.—Unless there is a contest with respect to the validity of the will, an affidavit of witness made in conformity with this section shall be accepted by the register as proof of the facts stated as if it had been made under oath before the register at the time of probate.

(b) Acknowledgment and affidavits.—An attested will may at the time of its execution or at any subsequent date be made self-proved by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of this Commonwealth, or under the laws of the state where execution occurs, and evidenced by the officer's certificate, under official seal, attached or annexed to the will. A separate affidavit may be used for each witness whose affidavit is not taken at the same time as the testator's acknowledgment. The acknowledgment and affidavits shall in form and content be substantially as set forth in the Uniform Probate Code or as follows:

Acknowledgment

Commonwealth of Pennsylvania (or state of)

County of

I, _____, testat—_____, whose name is signed to the attached or foregoing instrument, having been duly qualified according to law, do hereby acknowledge that I signed and executed the instrument as my Last Will; that I signed it willingly; and that I signed it as my free and voluntary act for the purposes therein expressed.

Sworn or affirmed to and acknowledged before me, by _____, the testat—_____, this _____ day of _____, 19_____.

(SEAL)

(Official capacity of officer)

Affidavit

Commonwealth of Pennsylvania (or state of)

County of

We, _____, _____ and _____, the witnesses whose names are signed to the attached or foregoing instrument, being duly qualified according to law, do depose and say that we were present and saw testat—_____ sign and execute the instrument as his Last Will; that _____ signed willingly and that _____ executed it as _____ free and voluntary act for the purposes therein expressed; that each of us in the hearing and sight of the testat—_____ signed the will as witnesses; and that to the best of our knowledge the testat—_____ was at that time 18 or more years of age, of sound mind and under no constraint or undue influence.

Sworn or affirmed to and subscribed to before me by _____, _____ and _____, witnesses, this _____ day of _____, 19 _____.

Witness

Witness

Witness

(SEAL)

(Official capacity of officer)

Section 2. This act shall take effect in 60 days.

APPROVED—The 24th day of June, A. D. 1976.

MILTON J. SHAPP