

ESTATES AND PROTECTED INDIVIDUALS CODE (EXCERPT)
Act 386 of 1998
Part 10
INTERNATIONAL WILLS

700.2951 Definitions.

Sec. 2951.

As used in this part:

- (a) "International will" means a will executed in conformity with this part.
- (b) "Authorized individual" means an individual who by section 2959 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.

History: 1998, Act 386, Eff. Apr. 1, 2000

Popular Name: EPIC

700.2952 Validity.

Sec. 2952.

(1) If a will is made in the form of an international will that complies with the requirements of this part, the will is valid in regard to its form irrespective of the particular place where the will is made, of the location of assets, or of the testator's nationality, domicile, or residence.

(2) A will's invalidity as an international will does not affect its formal validity as a will of another kind.

(3) This part does not apply to the form of a testamentary disposition made by 2 or more individuals in 1 instrument.

History: 1998, Act 386, Eff. Apr. 1, 2000

Popular Name: EPIC

700.2953 Form and procedure; requirements.

Sec. 2953.

To comply with this part as a valid international will, a will shall meet all of the following requirements regarding form and procedure:

(a) The will shall be made in writing, but does not need to be written by the testator personally. The will may be written in any language and may be written by hand or by any other means.

(b) The testator shall declare in the presence of 2 witnesses and an authorized individual that the document is the testator's will and that he or she knows its contents. The testator need not inform the witnesses or the authorized person of the will's contents.

(c) In the witnesses' and the authorized individual's presence, the testator shall sign the will or, if the testator has previously signed the will, shall acknowledge his or her signature.

(d) If the testator is unable to sign the international will, the absence of the testator's signature does not affect the will's validity if the testator indicates the reason for the inability and the authorized individual makes note of the reason on the will. In such a case, it is permissible, but not required, for another individual present, including a witness or the authorized individual, to sign the testator's name at the testator's direction, which act the authorized individual shall also note on the will.

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

History: 1998, Act 386, Eff. Apr. 1, 2000
Popular Name: EPIC

700.2954 Form and procedure; additional recommendations.

Sec. 2954.

(1) To further assure an international will's acceptance, in addition to the section 2953 requirements, all of the following are recommended regarding form and procedure:

(a) The testator's, witnesses', and authorized individual's signatures should be placed at the end of the will. If the will consists of several sheets, the testator should sign each sheet. If the testator is unable to sign, the individual signing on the testator's behalf should sign each sheet or, if there is no such individual, the authorized individual should sign each sheet. In addition, each sheet should be consecutively numbered.

(b) The will's date is the date of its signature by the authorized individual. The authorized individual should note that date at the end of the will.

(c) The authorized individual should ask the testator whether he or she wishes to make a declaration concerning the will's safekeeping. If so and at the testator's express request, the place where the testator intends to have the will kept should be mentioned in the certificate provided for in section 2955.

(2) A will executed in compliance with section 2953 is not invalid merely because it does not comply with this section.

History: 1998, Act 386, Eff. Apr. 1, 2000
Popular Name: EPIC

700.2955 Certificate.

Sec. 2955.

The authorized individual shall attach to the will a certificate signed by the authorized individual establishing that the will complies with the requirements of this part for valid execution of an international will. The authorized individual shall keep a copy of the certificate and deliver another to the testator. The certificate must be in substantially the following form, except the provisions of the form that are optional provisions need only be included if the circumstances of the will render them applicable:

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 _____ at _____

(Date)

(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 (or her) will and that he (or she) 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 (or her) signature previously affixed. * following a declaration of the testator stating that he (or she) (2) was unable to sign his (or her) 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 have 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 (or her) will:

12. PLACE OF EXECUTION

13. DATE

14. SIGNATURE and, if necessary, SEAL

* to be completed if appropriate.

History: 1998, Act 386, Eff. Apr. 1, 2000

Popular Name: EPIC

700.2956 Effect of certificate.

Sec. 2956.

In the absence of evidence to the contrary, the authorized individual's certificate is conclusive of an international will's validity under this part. The absence or irregularity of a certificate does not affect the validity of a will under this part.

History: 1998, Act 386, Eff. Apr. 1, 2000

Popular Name: EPIC

700.2957 Revocation.

Sec. 2957.

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

History: 1998, Act 386, Eff. Apr. 1, 2000

Popular Name: EPIC

700.2958 Source and construction.

Sec. 2958.

Sections 2951 to 2957 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 part, regard shall be had to its international origin and to the need for uniformity in its interpretation.

History: 1998, Act 386, Eff. Apr. 1, 2000

Popular Name: EPIC

700.2959 Persons authorized to act in relation to international will; eligibility; recognition by authorizing agency.

Sec. 2959.

An individual who is admitted to practice law before the courts of this state and who is in good standing as an active law practitioner of this state is an authorized individual empowered to supervise the execution of an international will.

History: 1998, Act 386, Eff. Apr. 1, 2000

Popular Name: EPIC