

House Study Bill 526 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to wills, including witness requirements
2 for the execution of a will and procedure for wills to be
3 admitted into probate.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.279, Code 2022, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. *Definition.* For purposes for this
4 section, "presence" means any manner, physical or electronic, in
5 which the witnesses and testator can see and hear the acts of
6 each other in real time.

7 Sec. 2. Section 633.301, Code 2022, is amended to read as
8 follows:

9 **633.301 Copy of will for executor.**

10 ~~When~~ Upon request by the executor, when a will has been
11 admitted to probate and certified pursuant to [section 633.300](#),
12 the clerk shall cause a certified copy thereof to be placed
13 in the hands of the executor to whom letters are issued. The
14 clerk shall retain the will in a separate file provided for
15 that purpose until the time for contest has expired, and
16 promptly thereafter shall place it with the files of the
17 estate.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to requirements regarding wills.

22 To be valid, all wills and codicils must be in writing and
23 signed in the presence of two witnesses, whether the will is
24 formally executed or self-proved. The bill provides that
25 "presence" means any manner, physical or electronic, in which
26 the witnesses and testator can see and hear the acts of each
27 other in real time.

28 Under current law, when a will has been certified and
29 admitted to probate, the clerk must provide a certified copy
30 of the will to the executor. The bill provides that the
31 clerk must provide a certified copy of the will only upon the
32 executor's request.