

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING WILLS TO ALLOW FOR AUDIO,
5 VISUAL, AND AUDIOVISUAL RECORDINGS TO BE TREATED AS WILLS, TO BE INCORPORATED INTO
6 WILLS, AND TO DISPOSE OF TANGIBLE PERSONAL PROPERTY; AND AMENDING SECTIONS 72-2-523,
7 72-2-530, AND 72-2-533, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 72-2-523, MCA, is amended to read:

12 **"72-2-523. Writings and recordings intended as wills.** Although a document or, writing added upon
13 a document, or an audio, visual, or audiovisual recording was not executed in compliance with 72-2-522, the
14 document or, writing, or recording is treated as if it had been executed in compliance with that section if the
15 proponent of the document or, writing, or recording establishes by clear and convincing evidence that the
16 decedent intended the document or, writing, or recording to constitute:

- 17 (1) the decedent's will;
18 (2) a partial or complete revocation of the will;
19 (3) an addition to or an alteration of the will; or
20 (4) a partial or complete revival of the decedent's formerly revoked will or of a formerly revoked
21 portion of the will."

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23 **Section 2.** Section 72-2-530, MCA, is amended to read:

24 **"72-2-530. Incorporation by reference.** A writing or recording in existence when a will is executed
25 may be incorporated by reference if the language of the will manifests this intent and describes the writing or
26 recording sufficiently to permit its identification."

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28 **Section 3.** Section 72-2-533, MCA, is amended to read:

1 **"72-2-533. Separate writing or recording identifying disposition of tangible personal property.**

2 (1) Whether or not the provisions relating to holographic wills apply, a will may refer to a written statement or,
3 list, or audio, visual, or audiovisual recording to dispose of items of tangible personal property not otherwise
4 specifically disposed of by the will, other than money.

5 (2) ~~(a) To~~ For a writing to be admissible under this section as evidence of the intended disposition,
6 the writing must be signed by the testator and must describe the items and the devisees with reasonable
7 certainty.

8 (b) For a recording to be admissible under this section as evidence of the intended disposition, the
9 recording must clearly demonstrate the testator's self-expression and must describe the items and the devisees
10 with reasonable certainty.

11 (3) The writing or recording may be:

12 (a) referred to as one to be in existence at the time of the testator's death;

13 (b) prepared before or after the execution of the will;

14 (c) altered by the testator after its preparation; and

15 (d) a writing that has no significance apart from its effect upon the dispositions made by the will."

16 - END -