

SENATE BILL NO. 411

INTRODUCED BY D. ZOLNIKOV

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

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

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

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

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

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

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

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

