

ORIGINAL SENATE
FILE NO. SF0099

ENROLLED ACT NO. 83, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to wills; authorizing witnesses to wills to appear electronically as specified; making conforming amendments; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 2-6-112 and 2-6-114(a) and (c) are amended to read:

2-6-112. Will to be in writing; number and competency of witnesses; signature of testator; subscribing witness not to benefit; exception.

(a) Except as provided in ~~the next section~~ W.S. 2-6-113, all wills to be valid shall be in writing, or typewritten, witnessed by two (2) competent witnesses and signed by the testator or by some person in his presence and by his express direction. If the witnesses are competent at the time of attesting the execution of the will, their subsequent incompetency shall not prevent the probate and allowance of the will. No subscribing witness to any will can derive any benefit therefrom unless there are two (2) disinterested and competent witnesses to the same, but if without a will the witness would be entitled to any portion of the testator's estate, the witness may still receive the portion to the extent and value of the amount devised.

(b) Witnesses to a will may appear in person or by the use of audio-video communication technology, provided that the witnesses can see and hear the testator in real time, have the opportunity to judge the competency of the testator, have the ability to securely sign the will electronically and can determine that the testator is freely and voluntarily signing and executing the will.

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2-6-114. Self-proving wills.

(a) Any will may be simultaneously executed, attested and made self-proven, 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 the state where execution occurs and evidenced by the officer's certificate under official seal, in form and content substantially as follows:

I, , the testator, sign my name to this instrument this day of , (year), and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am an adult person, of sound mind, and under no constraint or undue influence.

Testator.....

We, , the witnesses, sign (or electronically sign by secure means) our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will and that he signs it willingly (or willingly directs another to sign for him), and that he executes it as his free and voluntary act for the purposes therein expressed, and that each of us, in the presence and hearing of the testator (or appearing through the use of audio-video communication technology and able to see and hear the testator in real time), hereby signs this will (or electronically signs this will by secure means) as witnesses to the testator's signature and that to the best

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2023 GENERAL SESSION

of our knowledge the testator is an adult person, of sound mind, and under no constraint or undue influence.

Witness

Witness

STATE OF WYOMING)

) ss

COUNTY OF)

Subscribed, sworn to and acknowledged before me by, the testator, and subscribed and sworn to before me by and, witnesses, this day of

(SEAL)

(Signed)

(Official Capacity of Officer)

(c) An attested will may at the time of its execution or at any subsequent date be made self-proven 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 state 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 in form and contents substantially as follows:

STATE OF WYOMING)

) ss

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FILE NO. SF0099

ENROLLED ACT NO. 83, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

COUNTY OF _____)

We, _____, _____, and _____, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as his last will and that he signed willingly or willingly directed another to sign for him, and that he executed it as his free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the testator (or appearing through the use of audio-video communication technology and able to see and hear the testator in real time), signed the will (or electronically signed the will by secure means) as witness and that to the best of our knowledge the testator was at that time an adult person, of sound mind and under no constraint or undue influence.

Testator

Witness

Witness

Subscribed, sworn to and acknowledged before me by _____, the testator, and subscribed and sworn to before me by and _____, witnesses, this day of _____,
(SEAL) (Signed)

(Official Capacity of Officer)

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FILE NO. SF0099

ENROLLED ACT NO. 83, SENATE

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2023 GENERAL SESSION

Section 2. This act is effective July 1, 2023.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk