

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 795
HOUSE BILL 1340

AN ACT TO PROVIDE FOR THE SELF PROVING OF ATTESTED WRITTEN WILLS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 31 of the General Statutes is hereby amended by adding a new Article 4A thereto to read as follows:

"ARTICLE 4A.

"Self Proved Wills.

"§ 31-11.1. How attested wills may be made self-proved. — An attested written will executed as provided by G.S. 31-3.3 may at the time of its execution or at any subsequent date be made self-proved, by the acknowledgment thereof by the testator and the affidavits of the attesting witnesses, each made before an officer authorized to administer oaths under the laws of this State, and evidenced by the officer's certificate, under official seal, attached or annexed to the will in form and content substantially as follows:

'STATE OF NORTH CAROLINA

'COUNTY/CITY OF _____

'Before me, the undersigned authority, on this day personally appeared _____, and _____, known to me to be the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument and, all of these persons being by me first duly sworn. The testator, declared to me and to the witnesses in my presence: that said instrument is his last will; that he had willingly signed or directed another to sign the same for him, and executed it in the presence of said witnesses as his free and voluntary act for the purposes therein expressed; or, that the testator signified that the instrument was his instrument by acknowledging to them his signature previously affixed thereto.

The said witnesses stated before me that the foregoing will was executed and acknowledged by the testator as his last will in the presence of said witnesses who, in his presence and at his request, subscribed their names thereto as attesting witnesses and that the testator, at the time of the execution of said will, was over the age of 18 years and of sound and disposing mind and memory.

Testator

Witness

Witness

Witness

Subscribed, sworn and acknowledged before me by _____, the testator, _____ subscribed and _____ sworn before me by _____, and _____ witness, this _____ day of _____, A.D., _____.

(SEAL)

SIGNED _____

(OFFICIAL CAPACITY OF OFFICER)'

The sworn statement of any such witnesses taken as herein provided shall be accepted by the court as if it had been taken before such court."

Sec. 2. G.S. 31-18. 1(a) is hereby amended by adding a new subdivision (4) thereto to read as follows:

"(4) Upon a showing that the will has been made self-proved in accordance with the provisions of G.S. 31-11.1."

Sec. 3. This act shall apply to any attested written will in existence on or executed after the effective date of this act.

Sec. 4. This act shall become effective on October 1, 1977.

In the General Assembly read three times and ratified, this the 29th day of June, 1977.