

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2481

5 By: Representatives Jackson, Lamoureux, Verkamp
6
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 28-25-107 TO
10 PROVIDE THAT A VIDEOTAPE RECORDING OF A TESTATOR
11 CAN BE INCORPORATED BY REFERENCE INTO THE
12 TESTATOR'S WILL; AND FOR OTHER PURPOSES.
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Subtitle

14 TO ALLOW A VIDEOTAPE RECORDING OF A
15 TESTATOR TO BE INCORPORATED BY REFERENCE
16 INTO A TESTATOR'S WILL.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 28-25-107 is amended to read as follows:

23 28-25-107. Incorporation of writing or videotape recording by
24 reference.

25 (a) Any writing in existence when a will is executed may be
26 incorporated by reference if the language of the will manifests this intent
27 and describes the writing sufficiently to permit its identification.

28 (b)(1) Whether or not the provisions relating to holographic wills
29 apply, a will may refer to a written statement or list to dispose of items of
30 tangible personal property not otherwise specifically disposed of by the
31 will, other than money, evidences of indebtedness, documents of title,
32 securities, and property used in trade or business.

33 (2) To be admissible under this subsection as evidence of the
34 intended disposition, the writing must either be in the handwriting of the
35 testator or be signed by him and must describe the items and devisees with
36 reasonable certainty.



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1 (3) The writing may be referred to as one to be in existence at
2 the time of the testator's death; it may be prepared before or after the
3 execution of the will; it may be altered by the testator after its
4 preparation; and it may be a writing which has no significance apart from its
5 effect upon the dispositions made by the will.

6 (c)(1) A videotape recording that meets the requirements of this
7 subsection may be incorporated by reference if the language of the will
8 manifests this intent and identifies the videotape and its content
9 sufficiently to permit its incorporation.

10 (2) To be incorporated in a will under this subsection as
11 evidence of the intended disposition, the videotape recording must:

12 (A) Have the testator appear on the tape to describe items
13 of personal property, evidences of indebtedness, documents of title,
14 securities, and property used in trade or business, all of which are not
15 otherwise specifically disposed of by the will;

16 (B) Be taped in its entirety in a continuous fashion, so
17 that there are no interruptions in the videotape;

18 (C) Possess a soundtrack recording that is sufficiently
19 clear and intelligible in quality to be readily understood upon display; and

20 (D) Be recorded on a recorder with a time and date
21 generator.

22 (3) The videotape shall be recorded and in existence at the time
23 of the execution of the will.

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