

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1451

5 By: Representatives T. Bradford, Bond
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For An Act To Be Entitled

9 AN ACT TO REPEAL ARKANSAS CODE § 28-25-108
10 CONCERNING THE DEPOSIT OF A WILL WITH THE CIRCUIT
11 COURT; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO REPEAL ARKANSAS CODE § 28-25-
14 108 CONCERNING THE DEPOSIT OF A WILL
15 WITH THE CIRCUIT COURT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 28-25-108 is repealed.

22 ~~28-25-108. Deposit of will with court in testator's lifetime—~~
23 ~~Disposition.~~

24 ~~(a) Deposit of Will. A will may be deposited by the person making it,~~
25 ~~or by some person for him or her, with the circuit court of the county of his~~
26 ~~or her residence, to be safely kept until delivered or disposed of as~~
27 ~~provided in this section. On being paid the fee of two dollars (\$2.00), the~~
28 ~~clerk of the court shall receive and keep the will and give a certificate of~~
29 ~~deposit for it.~~

30 ~~(b) How Enclosed. Every will intended to be deposited as provided in~~
31 ~~subsection (a) of this section shall be enclosed in a sealed wrapper, which~~
32 ~~shall have endorsed thereon "Will of," followed by the name of the testator.~~
33 ~~The clerk of the court shall endorse thereon the day when and the person by~~
34 ~~whom it was delivered. The wrapper may also be endorsed with the name of the~~
35 ~~person to whom the will is to be delivered after the death of the testator.~~
36 ~~It shall not be opened or read until delivered to a person entitled to~~



1 ~~receive it, or otherwise disposed of as provided in this section.~~

2 ~~(c)(1) To Whom Delivered. During the lifetime of the testator, the~~
3 ~~will shall be delivered only to him or her, or to some person authorized by~~
4 ~~him or her by an order in writing duly signed by him or her and acknowledged~~
5 ~~before an officer authorized to administer oaths or attested by the~~
6 ~~signatures of two (2) persons competent to witness the will.~~

7 ~~(2) After the testator's death, the clerk shall notify the~~
8 ~~person named in the endorsement on the wrapper of the will, if there is a~~
9 ~~person so named, and deliver it to him or her.~~

10 ~~(d)(1) When Will to Be Opened. If the will is not delivered to a~~
11 ~~person named in the endorsement on the wrapper, it shall be publicly opened~~
12 ~~in the court within thirty (30) days after notice of the testator's death,~~
13 ~~and be retained by the court until offered for probate.~~

14 ~~(2) Notice shall be given to the executor, if any, named therein~~
15 ~~and to such other persons as the court may designate.~~

16 ~~(3) If the proper venue is in another court, the will shall be~~
17 ~~transmitted to that court, but, before such a transmission, a true copy shall~~
18 ~~be made and retained in the court in which the will was deposited.~~

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