

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1472 - SB 1560

January 28, 2016

SUMMARY OF BILL: Provides an exception to the current requirements for executing wills. Authorizes attesting witnesses to a will to sign a self-proving affidavit contained within the will rather than having to sign the will itself.

Applies to wills executed before the effective date of the bill if the wills have not undergone final settlement without appeal or final settlement after conclusion of appeal.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Under Tenn. Code Ann. § 32-1-104, a will, other than a holographic or nuncupative will, must be executed by the signature of the testator and two witnesses. The will itself must be signed by the attesting witnesses.
- The bill would overturn a recent Court of Appeals case, *In re estate of Morris*, 2015 Tenn. App. LEXIS 62 (Tenn. Ct. App. Feb, 9, 2015), in which the court held that a will was not properly executed because the attesting witnesses signed a self-proving affidavit at the end of the will rather than the will itself.
- The bill changes a technical requirement for wills, and will only affect cases that meet the specific facts of the *In re Estate of Morris* case. It is assumed that the bill will not significantly impact the courts.
- The Administrative Office of the Courts confirms that the bill will not significantly impact its caseload or operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

/trm

HB 1472 - SB 1560