

Introduced by Senator Gaines

January 28, 2016

An act to amend Section 6110 of the Probate Code, relating to wills.

LEGISLATIVE COUNSEL'S DIGEST

SB 926, as introduced, Gaines. Wills: requirements.

Existing law requires, except as specified, that a will be in writing and be signed by the testator, or by another person in the testator's presence in the testator's name and at the testator's direction, or by a conservator pursuant to a court order to make a will. Existing law also requires that a will be witnessed by being signed during the testator's lifetime by at least 2 persons, each of whom, being present at the same time, witnessed either the signing of the will or the testator's acknowledgment of the signature or of the will and understands that the instrument they sign is the testator's will, except as specified.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6110 of the Probate Code is amended to
- 2 read:
- 3 6110. (a) Except as provided in this part, a will shall be in
- 4 writing and satisfy the requirements of this section.
- 5 (b) The will shall be signed by one of the following:
- 6 (1) By the testator.

1 (2) In the testator's name by ~~some other~~ *another* person in the
2 testator's presence and by the testator's direction.

3 (3) By a conservator pursuant to a court order to make a will
4 under Section 2580.

5 (c) (1) Except as provided in paragraph (2), the will shall be
6 witnessed by being signed, during the testator's lifetime, by at
7 least two persons each of whom (A) being present at the same
8 time, witnessed either the signing of the will or the testator's
9 acknowledgment of the signature or of the will and (B) ~~understand~~
10 *understands* that the instrument ~~they sign~~ *that he or she signs* is
11 the testator's will.

12 (2) If a will was not executed in compliance with paragraph (1),
13 the will shall be treated as if it was executed in compliance with
14 that paragraph if the proponent of the will establishes by clear and
15 convincing evidence that, at the time the testator signed the will,
16 the testator intended the will to constitute the testator's will.