

394.225 Self-proved will.

(1) Any will may be simultaneously executed, attested, and made self-proved, by acknowledgment thereof by the testator and affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of this state and evidenced by the officer's certificate, in substantially the following form:

I, _____, the testator, sign my name to this instrument this ____ day of _____, 19____, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

(Testator)

We, _____, _____, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will and that he signs it willingly (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the testator and in the presence of the other subscribing witness, hereby signs this will as witness to the testator's signing, and that to the best of our knowledge the testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

(Witness)

(Witness)

THE STATE OF _____
COUNTY OF _____

Subscribed, sworn to and acknowledged before me by _____, the testator and subscribed and sworn to before me by _____, and _____, witnesses, this ____ day of _____.

(Signed)_____

(Signed)_____

(OFFICIAL CAPACITY OF OFFICER)

(2) An attested will may, at any time subsequent to its execution, be made self-proved, by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of this state, and evidenced by the officer's certificate, attached or annexed to the will in form and content substantially as follows:

THE STATE OF _____
COUNTY 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 the instrument is his last will and that he had willingly signed or directed another to sign for him, and that he executed it as his free and voluntary act for the purposes therein expressed; and each of the witnesses stated to me, in the presence and hearing of the testator, that he signed the will as witness in the presence of the testator and of the other subscribing witness, and that to the best of his knowledge the testator was eighteen (18) years of age or over, of sound mind and under no constraint or undue influence.

(Testator)

(Witness)

(Witness)

(Witness)

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

(OFFICIAL CAPACITY OF OFFICER)

- (3) The execution of an acknowledgment of a will by a testator, and of the affidavits of witnesses, made before an officer authorized to administer oaths under the laws of this state and evidenced by the officer's certificate substantially in the form set out in this section during the period between June 21, 1974, and the effective date of the 1982 amendments to this section shall be considered to be a valid execution and attestation of a written will even though the will was not signed and attested separately from the execution of the acknowledgment by the testator and the affidavits of the witnesses.
- (4) A self-proved will may be admitted to probate without the testimony of any subscribing witness, but otherwise treated no differently from a will not self-proved.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 75, sec. 1, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 259, sec. 11, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 299, sec. 1.