

## A BILL

FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF WILLS DURING THE  
LIFE TIME OF TESTATORS.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That to any will heretofore or hereafter executed, the testator may make and  
2 annex his petition to be sworn to before, and be presented to the judge of probate for the  
3 county where the testator resides, asking that such will be admitted and established as his  
4 last will and testament.

SEC. 2. Every such petition shall contain averments that such will was duly executed by  
2 the petitioner without fear, fraud, importunity, or undue influence, and with a full know-  
3 ledge of its contents, and that the testator is of sound mind and memory and full testa-  
4 mentary capacity, and shall state the names and address of every person, who, at the time of  
5 making and filing the same, would be interested in the estate of the maker of such will as  
6 heir, if such maker should at the making of such petition become deceased, and may also  
7 contain the names and addresses of any other persons whom such testator may desire to  
8 make parties to such proceedings.

SEC. 3 Such judge of probate shall thereupon, upon request of such testator, appoint a  
2 time for the hearing of such petition, and issue citations to the parties named in such peti-  
3 tion, and direct published notice of such hearing, and have such hearing, after proof of ser-  
4 vice of citations and publication of notice, in the manner, as near as practicable, as is re-  
5 quired for the probate of wills.

SEC. 4. If any person named in such petition shall be a minor or otherwise under disabil-  
2 ity, a guardian *ad-litem* shall be appointed by such judge to represent such person. On such  
3 hearing such judge of probate shall examine into the matters alleged in such petition, and  
4 into the testamentary capacity of such testator, and examine witnesses in relation thereto,  
5 and if it shall appear that the allegations of such petition are true, and that said testator  
6 was of sound mind and memory, and full testamentary capacity, such judge shall make de-  
7 cree thereon, and shall cause a copy of such decree to be attached to said will, certified  
8 under the seal of said court, decreeing that the testator at the making of such will and  
9 such petition was possessed of sound mind and memory, and full testamentary capacity,  
10 and that said will was executed without fear, fraud, imporunity, or undue influence, which  
11 decree shall have the same effect as if made by said court after the death of the testator, on

12 the probate of such will, and such will having been so established shall not be set aside or  
13 impeached on the grounds of insanity, or want of testamentary capacity on the part of the  
14 testator, or that the same was executed through fear, fraud, importunity, or undue in-  
15 fluence.

SEC. 5. Appeals shall lie in the same manner as from probate of wills.

SEC. 6. Nothing in this act shall be construed to prevent the revocation of such will, or  
2 alteration or other change thereof, as in ordinary wills.