

Alert: The Uniform Electronic Wills Act

Moss & Barnett Advocate (Spring/Summer 2023 edition)
08.15.2023

Today, many legal and financial documents are considered valid and enforceable when signed or notarized electronically. In Minnesota, wills have been an exception due to certain witness and signatory formalities which, until now, were required to occur physically, in writing.

On March 30, 2023, Governor Walz signed the Uniform Electronic Wills Act (the Act). The new law, which took effect on August 1, 2023, expands Minnesota's existing statutes in such a way that permits wills to be created, witnessed, and notarized electronically. Specifically, the Act defines an Electronic Will as "a will or codicil that (i) is created, signed, or maintained in an electronic, digital, magnetic, wireless, optical, electromagnetic, or other similar medium, (ii) is retrievable in perceivable form, and (iii) is capable of verification that the writing of the electronic will has not been altered after its signing."

In addition to modernizing the execution of wills and closing the disconnect between wills and other legal documents, the Act is intended to encourage more Minnesotans to create a will by making it more accessible and affordable to do so. While its provisions remain untested and largely undefined at this time, the Act is sure to provide new opportunities – and new challenges – in estate planning, administration, and litigation.

If you would like assistance assuring best practices in this area, please contact your attorney at Moss & Barnett.

Attorneys

Cindy J. Ackerman

Yuri B. Berndt

Jessica M.S. Brigman

Jill M. DeRouchev

Shelly A. Doerr

Jennifer L. Doyle

Sandra L. Fussy

David S. Johnson

Nicholas J. Kaster

Jena L. Kaufman

Richard J. Kelber

Elizabeth H. Kiernat

Susan A. King

Anna M. Leonard

Andrea L. MacLean

Michael R. Nixt

Shary M. Potter

Mary Frances Price

Kelsey M. Scanlan

Brian J. Schoenborn

Alex R. Schoephoerster

Robert L. Schumann

Joseph G. Socha

Christopher D. Stall

Practice Areas

Estate Planning and Wealth Preservation

