

**Sec. 13.12.530. Establishment of will validity before death.** A testator, a person who is nominated in a will to serve as a personal representative, or, with the testator's consent, an interested party may petition the court to determine before the testator's death that the will is a valid will subject only to subsequent revocation or modification.

**Sec. 13.12.535. Establishment of trust validity before death.** If at least one of the trustees of a trust is a qualified person, the settlor or a trustee of the trust may petition the court to determine before the settlor's death that the trust is valid and enforceable under its terms, subject only to a subsequent revocation or modification of the trust.

**Sec. 13.12.540. Venue.**

(a) The venue for a petition under AS 13.12.530 is

- (1) the judicial district of this state where the testator is domiciled; or
- (2) if the person who executed the will is not domiciled in this state, any judicial district of this state.

(b) The venue for a petition under AS 13.12.535 is the judicial district where the trust is registered. The venue for proceedings involving a trust that is not registered in this state is

- (1) any place in this state where the trust could have been properly registered; or
- (2) the location established by the rules of court.

**Sec. 13.12.545. Contents of petition for will validity.** A petition under AS 13.12.530 must contain

- (1) a statement that a copy of the will has been filed with the court;
- (2) a statement that the will is in writing;
- (3) a statement that the will was signed by the testator, or was signed in the testator's name by another person in the testator's conscious presence and at the testator's direction;

(4) in the case of a witnessed will, a statement that the will was signed by at least two individuals, each of whom signed within a reasonable time after witnessing the signing of the will or the testator's acknowledgment of the signature on the will;

(5) in the case of a holographic will, a statement that the signature and material portions of the will are in the testator's handwriting;

(6) a statement that the will was executed with testamentary intent;

(7) a statement that the testator had testamentary capacity;

(8) a statement that the testator was free from undue influence and duress and executed the will in the exercise of the testator's free will;

(9) a statement that the execution of the will was not the result of fraud or mistake;

(10) the names and addresses of the testator, the testator's spouse, the testator's children, the testator's heirs, the personal representatives nominated in the will, and the devisees under the will;

(11) if minors, the ages of the testator's children, the testator's heirs, and the devisees under the will, as far as known or ascertainable with reasonable diligence by the petitioner;

(12) a statement that the will has not been revoked or modified; and

(13) a statement that the testator is familiar with the contents of the will.

**Sec. 13.12.550. Contents of petition for trust validity.** A petition for trust validity under AS 12.16.535 must contain

(1) a statement that a copy of the trust has been filed with the court;

(2) a statement that the trust is in writing and was signed by the settlor;

(3) a statement that the trust was executed with the intent that it be enforceable in accordance with its terms;

(4) a statement that the settlor had the legal capacity to enter into and establish the trust;

(5) a statement that the settlor was free from undue influence and duress and executed the trust in the exercise of free will;

(6) a statement that execution of the trust was not the result of fraud or mistake;

(7) the names and addresses of the settlor, the settlor's spouse, the settlor's children, the settlor's heirs, and the parties in interest as defined in AS 13.36.390;

(8) the ages of the settlor's children, the settlor's heirs, and the parties in interest as defined in AS 13.36.390 who are minors so far as known or ascertainable with reasonable diligence by the petitioner;

(9) a statement that the trust has not been revoked or modified; and

(10) a statement that the settlor is familiar with the contents of the trust.

**Sec. 13.12.555. Declaration by court.** The court may declare a will or trust to be valid and make other findings of fact and conclusions of law that are appropriate under the circumstances. After the testator's death, unless the will is modified or revoked after the declaration, the will has full legal effect as the instrument of the disposition of the testator's estate and shall be admitted to probate upon request.

**Sec. 13.12.560. Binding effect of declaration.** A person, whether the person is known, unknown, born, or not born at the time of a proceeding under AS 13.12.530 - 13.12.590, including a person who is represented by another person under AS 13.06.120, is bound by the declaration under AS 13.12.555 even if by the time of the testator's death the representing person has died or would no longer be able to represent the person represented in the proceeding under AS 13.12.530 - 13.12.590.

**Sec. 13.12.565. Hearing and notice.**

(a) After the petition under AS 13.12.530 or 13.12.535 is filed, the court shall fix a time and place for a hearing. The petitioner shall notify the spouse, the children, and the heirs of the testator or settlor in the manner established by AS 13.06.110.

(b) In addition to the notice required by (a) of this section, in proceedings involving a petition under AS 13.12.530, the petitioner shall notify the testator, the personal representatives nominated in the will, and the devisees under the will in the manner established by AS 13.06.110.

(c) In addition to the notice required by (a) of this section, in proceedings involving a petition under AS 13.12.535, the petitioner shall notify the settlor and the parties in interest in the manner established by AS 13.06.110. Notice may be given to other persons. In this subsection, "party in interest" has the meaning given in AS 13.36.390.

**Sec. 13.12.570. Burden of proof.** A petitioner under AS 13.12.530 or 13.12.535 has the burden of establishing prima facie proof of the execution of the will or trust. A person who opposes the petition has the burden of establishing the lack of testamentary intent, lack of capacity, undue influence, fraud, duress, mistake, or revocation. A party to the proceeding has the ultimate burden of persuasion as to the matters for which they have the initial burden of proof.

**Sec. 13.12.575. Change to will after declaration.** After a declaration of the validity of a will under AS 13.12.555, a testator may modify a will by a later will or codicil executed according to the laws of this state or another state, and the will may be revoked or modified under AS 13.12.507, 13.12.508, or another applicable law.

**Sec. 13.12.580. Change to trust after declaration.** After a declaration of validity under AS 13.12.555, a trust may be modified, terminated, revoked, or reformed under AS 13.36.340 - 13.36.365, or another applicable law.

**Sec. 13.12.585. Confidentiality.** (a) A notice of the filing of a petition under AS 13.12.530 - 13.12.580, a summary of all formal proceedings under AS 13.12.530 - 13.12.580, and a dispositional order or a modification or termination of a dispositional order relating to a proceeding under AS 13.12.530 - 13.12.580 shall be available for public inspection. Except as

provided in (b) and (c) of this section, all other information contained in the court records relating to a proceeding under AS 13.12.530 - 13.12.580 is confidential.

(b) The records that are confidential under (a) of this section may be made available to

- (1) the petitioner and the petitioner's attorney;
- (2) interested persons who have appeared in the proceedings, interested persons who have otherwise submitted to the jurisdiction of the court, and the attorneys, guardians, and conservators of the interested persons;
- (3) the judge hearing or reviewing the matter; and
- (4) a member of the clerical or administrative staff of the court if access is essential for authorized internal administrative purposes.

(c) For good cause shown, the court may order the records that are confidential under (a) of this section to be made available to a person who is not listed in (b) of this section.

**Sec. 13.12.590. Definitions.** In AS 13.12.530 - 13.12.590,

- (1) "qualified person" has the meaning given in AS 13.36.390;
- (2) "testator" means a person who executes a will as a testator;
- (3) "trust" means a revocable or irrevocable trust.