

Article 11.

Electronic Storage of Attested Written Wills by an Attorney.

§ 31-71. Definitions.

In this Article, the following definitions apply:

- (1) Electronic. – Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (2) Record. – Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. (2025-33, s. 8.1.)

§ 31-72. Storage of attested written will by a licensed attorney as an electronic record.

(a) At any time during the life of the testator, an attorney licensed to practice law in North Carolina may, at the testator's direction, create an electronic record of the testator's attested written will. The electronic record shall include a certification, signed by that attorney, in the form of an affidavit sworn to or affirmed before an officer authorized to administer oaths, that the electronic record of the attested written will is a complete, true, and accurate copy of the attested written will, that the testator expressly authorized the attorney to create an electronic record of the attested written will, and that the testator has been advised that the creation of an electronic record of the testator's attested written will eliminates the ability of the testator to revoke the attested written will by physical act.

(b) If the attested written will is lost or destroyed after being stored as an electronic record pursuant to this section, the loss or destruction shall not be deemed a revocation of the attested written will, nor shall it be deemed a presumption of revocation of the attested written will. (2025-33, s. 8.1.)

§ 31-73. Certification of paper copy of attested written will stored as an electronic record.

(a) An attorney licensed in this State may create a certified paper copy of an attested written will that has been stored as an electronic record in accordance with the requirements of G.S. 31-72 by certifying that the paper copy is a complete, true, and accurate copy of that electronic record. The certification shall be in the form of an affidavit sworn to or affirmed before an officer authorized to administer oaths. The certified paper copy may be created at any time after the attested written will has been stored as an electronic record in accordance with the requirements of G.S. 31-72.

(b) A certified paper copy of an attested written will stored as an electronic record in accordance with the requirements of this section may be probated under G.S. 28A-2A-8(a1). (2025-33, s. 8.1.)