

§ 28A-2B-3. Contents of petition for will validity.

(a) Petition. – A petition requesting an order declaring that a petitioner's will or codicil is valid shall be verified and shall contain the following information:

- (1) A statement that the petitioner is a resident of North Carolina and specifying the county of the petitioner's residence.
- (2) Allegations that the will was prepared and executed in accordance with North Carolina law and a statement that the will was executed with testamentary intent.
- (3) A statement that the petitioner had testamentary capacity at the time the will was executed.
- (4) A statement that the petitioner was free from undue influence and duress and executed the will in the exercise of the petitioner's free will.
- (5) A statement identifying the petitioner, and all persons believed by the petitioner to have an interest in the proceeding, including, for any interested parties who are minors, information regarding the minor's appropriate representative.

(b) The petitioner shall file a copy of the will or codicil with the petition and tender the original will or codicil at the hearing as provided in G.S. 28A-2B-1(b). If an order is entered declaring the will or codicil to be valid, the court shall affix a certificate of validity to the will or codicil. (2015-205, s. 2; 2019-178, s. 1(b).)