

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 18.
WILLS.

CHAPTER 1.
GENERAL PROVISIONS.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 1. GENERAL PROVISIONS.

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CHAPTER 1. GENERAL PROVISIONS.

§ 18-101. DEFINITIONS.

As used in this title, unless the context requires a different meaning:

words importing the singular include the plural, and words importing the plural include the singular;

the present tense includes the future as well as the present;

"District Court" means the United States District Court for the District of Columbia; and

"Probate Court" and "court", respectively, mean the Superior Court of the District of Columbia.

(Sept. 14, 1965, 79 Stat. 685, Pub. L. 89-183, § 1; July 29, 1970, 84 Stat. 566, Pub. L. 91-358, title I, § 147(1); June 4, 1982, D.C. Law 4-111, § 2(c), 29 DCR 1684.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-101.

1973 Ed., § 18-101.

Legislative History of Laws

Law 4-111, the "Anti-Sex Discriminatory Language Act and Uniform Disposition of Unclaimed Property Act of 1980 Amendments Act of 1982," was introduced in Council and assigned Bill No. 4-374, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 9, 1982, and March 23, 1982, respectively. Signed by the Mayor on April 12, 1982, it was assigned Act No. 4-174 and transmitted to both Houses of Congress for its review.

Miscellaneous Notes

Section 30 of D.C. Law 15-354 provides that Title 18 is designated Title 18 of the District of Columbia Official Code.

§ 18-102. CAPACITY TO MAKE A WILL.

A will, testament, or codicil is not valid for any purpose unless the person making it is at least 18 years of age and, at the time of executing or acknowledging it as provided by this chapter, of sound and disposing mind and capable of executing a valid deed or contract.

(Sept. 14, 1965, 79 Stat. 686, Pub. L. 89-183, § 1; July 22, 1976, D.C. Law 1-75, § 4(a), 23 DCR 1180.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-102.

1973 Ed., § 18-102.

Legislative History of Laws

Law 1-75, the "District of Columbia Age of Majority Act," was introduced in Council and assigned Bill No. 1-252, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on April 6, 1976, and April 20, 1976, respectively. Signed by the Mayor on May 14, 1976, it was assigned Act No. 1-116 and transmitted to both Houses of Congress for its review.

§ 18-103. EXECUTION OF WRITTEN WILL; ATTESTATION.

A will or testament, other than a will executed in the manner provided by section 18-107, is void unless it is:

(1) in writing and signed by the testator, or by another person in his presence and by his express direction; and

(2) attested and subscribed in the presence of the testator, by at least two credible witnesses.

(Sept. 14, 1965, 79 Stat. 686, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-103.

1973 Ed., § 18-103.

§ 18-104. DEVISES, LEGACIES, ETC., TO ATTESTING WITNESSES.

(a) A beneficial devise, legacy, estate, interest, gift, or power of appointment of or affecting real or personal estate, given or made to an attesting witness to a will or codicil is void as to him and persons claiming under him, except as provided by subsections (b) and (c) of this section.

(b) Where an interested witness to a will or codicil, referred to in subsection (a) of this section, would be entitled to a share of the estate of the testator in case the will or codicil were not established, he or persons claiming under him shall take such portion of the devise or bequest made to him in the will or codicil as does not exceed the share of the estate which would be distributed to him or persons claiming under him in case of intestacy.

(c) The voidance provided for by subsection (a) of this section does not apply to charges on real estate for the payment of debts.

(d) Notwithstanding subsection (a) of this section, an interested witness referred to therein, whether an heir at law or not, is not disqualified as a competent witness to the execution of the will or codicil by reason of his interest.

(Sept. 14, 1965, 79 Stat. 686, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-104.

1973 Ed., § 18-104.

§ 18-105. RETENTION OR DEMAND OF VOID DEVISE OR LEGACY BY ATTESTING WITNESS PROHIBITED.

A person to whom a beneficial devise, legacy, estate, interest, gift, or power of appointment is given or made in a will or codicil, which is void under section 18-103, may not, in any manner or under any color or pretense whatsoever:

(1) demand or take possession of or receive any profits or benefit of or from the devise, legacy, estate, interest, gift, or power of appointment so given or made; or

(2) demand, receive, or accept from another person the beneficial devise, legacy, estate, interest, gift, or power of appointment or any satisfaction or compensation therefor.

(Sept. 14, 1965, 79 Stat. 686, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-105.

1973 Ed., § 18-105.

§ 18-106. CREDITORS AS COMPETENT WITNESSES.

A mere charge in a will or codicil on the estate of a testator for the payment of debts does not disqualify a creditor from being a competent witness to the will or codicil.

(Sept. 14, 1965, 79 Stat. 686, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-106.

1973 Ed., § 18-106.

§ 18-107. NUNCUPATIVE WILLS.

A nuncupative will made after January 1, 1902, is not valid in the District of Columbia except that a person in actual military or naval service or a mariner at sea may dispose of his personal property by word of mouth, if:

- (1) his oral disposition of the property is proved by at least two witnesses who were present at the making thereof and were requested by the testator to bear witness that the disposition was his last will; and
- (2) the will is made during the time of the last illness of the deceased; and
- (3) the substance of the will is reduced to writing within 10 days after it was made.

(Sept. 14, 1965, 79 Stat. 686, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-107.

1973 Ed., § 18-107.

§ 18-108. EXECUTION OF POWER BY WILL.

An appointment made by will in the exercise of a power is not valid unless it is so executed that it would be valid for the disposition of the property to which the power applies if it belonged to the testator.

(Sept. 14, 1965, 79 Stat. 687, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-108.

1973 Ed., § 18-108.

§ 18-109. REVOCATION OF WILLS; REVIVAL.

(a) A will or codicil, or a part thereof, may not be revoked, except by implication of law, otherwise than by

(1) a later will, codicil, or other writing declaring the revocation, executed as provided by section 18-103 or 18-107; or

(2) burning, tearing, cancelling, or obliterating the will or codicil, or the part thereof, with the intention of revoking it, by the testator himself, or by a person in his presence and by his express direction and consent.

(b) A will or codicil, or a part thereof, after it is revoked, may not be revived otherwise than by its re-execution, or by a codicil executed as provided in the case of wills, and then only to the extent to which an intention to revive is shown.

(Sept. 14, 1965, 79 Stat. 687, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-109.

1973 Ed., § 18-109.

Miscellaneous Notes

Application of dower rights to husband and wife: Section 3 of the Act of September 14, 1965, provided: "Effective Mar. 15, 1962, all provisions of the Act entitled "An Act to establish a code of law for the District of Columbia", approved Mar. 3, 1901, as amended, and all other laws in force in the District of Columbia, relating to the right of dower and its incidents, apply to both husband and wife."

§ 18-110. OPENING WILL BEFORE DELIVERY TO PROBATE COURT.

A person having possession or custody of a testamentary instrument may, after the death of the testator, open and read it in the presence of near relatives of the deceased, who may conveniently have notice thereof, and of other persons, and immediately thereafter may deliver the will or codicil to the Probate Court or the Register of Wills, until proceedings may be held for the purpose of proving it or other action is taken thereon.

(Sept. 14, 1965, 79 Stat. 687, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-110.

1973 Ed., § 18-110.

§ 18-111. WITHHOLDING WILL.

Whoever, having possession of a testamentary instrument, willfully neglects, for the period of 90 days after the death of the testator becomes known to him, to deliver it to the Probate Court, or to the Register of Wills, or to an executor named in the instrument, shall be fined not more than \$500.

(Sept. 14, 1965, 79 Stat. 687, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-111.

1973 Ed., § 18-111.

§ 18-112. TAKING AND CARRYING AWAY, OR DESTROYING, MUTILATING, OR SECRETING WILL.

Whoever, during the life or after the death of the testator, for a fraudulent purpose, takes and carries away, or destroys, mutilates, or secretes, a testamentary instrument, shall be imprisoned not more than five years.

(Sept. 14, 1965, 79 Stat. 687, Pub. L. 89-183, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 18-112.

1973 Ed., § 18-112.