

**OPINION
48-209**

December 14, 1948 (OPINION)

WILLS

RE: Foreign

Re: Sections 30-0523, 1943 Revised Code

Your letter of December 13, 1948, re the above section, has been received.

I concur in the opinion expressed in your letter. When a foreign will is offered for probate here it must be accompanied by the certificate of probate of the court where the will is originally admitted to probate, with anything else that may be required to show the authenticity of the will. The will should be admitted to probate in this state on such prima facie showing. If there is any objection, then, of course, the court has to have a hearing on the objection. If, after such hearing, the court is satisfied that the will is authentic and should be admitted to probate here, he enters a judgment to that effect.

When the proceedings have been had here in which the foreign will is admitted to probate, then under section 30-0523 of the 1943 Revised Code "the will, or the certified statement of the substance or the provisions thereof, as the case may be, and the certificate of the probate thereof, must be recorded, * * *." The certificate is the certificate of the local court admitting the foreign will to probate. This is all that is necessary to record here, unless there has been a contest, and the will has been admitted, a copy of the judgment of the county court admitting the will to probate should also be recorded.

The clerk of the county court called me by telephone and talked about this matter. I am satisfied that the papers accompanying the foreign will necessary to show its authenticity are not required to be recorded here. Merely the will, the certificate of the local court admitting the will, and the judgment, if there is one, are all that are required to be recorded.

P.O. SATHRE

Attorney General