
Trusts & Estates and Tax Law Alert: Remote Witnessing

On April 7, 2020, Governor Cuomo issued Executive Order No. 202.14 which temporarily suspended through May 7, 2020 the rule requiring a Testator and his or her witnesses to sign a Will in the presence of each other. This permits remote witnessing of Wills provided the following conditions are met: (i) if the person requesting that their signature be witnessed is not personally known to the witnesses, they must present identification during the audio/visual conference (not before or after); (ii) the audio/visual conference must allow for direct interaction between the parties (no pre-recordings); (iii) the witnesses must receive a signed electronic copy the same day the pages are signed; (iv) the witnesses must then sign the electronic copies and return the same to the signor; and (v) the witnesses may sign the original documents if received within thirty days of the original signing date.

Executive Order 202.7, previously issued by Governor Cuomo, suspended the rule requiring physical appearance before a notary public. The most recent Executive Order extends that suspension through May 7, 2020. With these recent changes, we are able to better assist our clients with the preparation and execution of their estate plans during these uncertain times.

Please visit our [Trusts & Estates](#) or [Tax](#) Practice Areas to learn more about the legal services we can provide in these areas. If you have any questions or would like more information on the issues discussed in this communication, please contact any member of the Trusts & Estates Practice Area.