



Cody Barbo  
CEO & Co-Founder

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The Honorable Jamie Becker-Finn  
Chair, House Judiciary Finance and Civil Law  
Minnesota House of Representatives  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, MN 55155

January 13, 2023

Re: HF 244

Dear Chairwoman Becker-Finn and Members of the Committee,

My name is Cody Barbo, and I am the CEO and co-founder of Trust & Will, a company founded in 2017 to modernize and democratize the estate planning process. I would like to express my support for HF 244, the Uniform Electronic Wills Act, introduced by Representative Sandra Feist.

Today, less than half of Americans have a Will, and the percentage is even lower for Black, Hispanic, and other historically underserved communities. This problem must be addressed, and the legalization of an Electronic Will is a safe, efficient, and affordable solution. We live in a digital age and a post-COVID world where it is essential that you be able to do everything online, from paying your bills to attending school to signing a contract. Every Minnesotan deserves the right to create an Electronic Will to divide their assets and care for their loved ones after they are gone.

The acceptance of Electronic Wills has been gaining momentum since Nevada passed the nation's first Electronic Will law in 2017. Since then, ten additional states and the District of Columbia<sup>1</sup> have passed legislation permitting Electronic Wills, and eight states<sup>2</sup> have introduced the concept. The Uniform Law Commission (ULC) and the Council of State Legislatures have approved model Electronic Will legislation encouraging the adoption of Electronic Wills and recognizing the technological safeguards to prevent fraud and coercion. During the COVID pandemic, several state Governors authorized emergency orders or temporary legislation to allow for the electronic execution of a Will.

It's time for Minnesota to modernize its estate planning process for its citizens. Minnesota State law already allows for the electronic execution of legal documents. Minnesota enacted its version

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<sup>1</sup> Nevada (2017), Arizona (2018), Indiana (2018), Florida (2019), Utah (2020), Colorado (2021), Illinois (2021), Maryland (2021), North Dakota (2021), Washington (2021), and the District of Columbia (2022)

<sup>2</sup> Ohio, Texas, New Hampshire, California, Virginia, Missouri, New Jersey, and New Hampshire




of the Uniform Electronic Transactions Act (UETA) in 1999. The law makes it clear that electronic signatures and records are accorded the same force and effect as their paper counterparts, provided proper steps have been taken to ensure attribution of the signatories and integrity of the records. Today, over ten years later, online transactions and digital authentication have become mainstream methods of conducting commercial and personal business. HF 244 will extend parity to testators to execute and store their testamentary documents electronically.

HF 244 is good for Minnesotans. It gives consumer choice - the legislation is technology neutral and maintains the existing body of law related to Wills. It authorizes an additional method to create Wills and still allows for Wills to be handwritten or created with an attorney. Electronic Will technology enables providers of Electronic Wills to keep costs low, which makes them more accessible to historically disadvantaged communities who have been left behind by our legal system. During times of "stay-at-home" and social distancing orders, it is essential that Minnesotans, especially high-risk and elderly individuals, have the option to execute their Will electronically. Furthermore, Electronic Wills give unconventional Minnesotan families a safety net and enable those with disabilities to complete transactions independently.

Thank you for your time, and I strongly urge the House Judiciary Finance and Civil Law Committee to support HF 244 to allow Minnesotans to sign their Will electronically and maintain a competitive advantage with other states.

Sincerely,

DocuSigned by:  
  
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Cody Barbo  
Trust & Will  
CEO and Co-Founder

CC: Vice Chair Cedrick Frazier  
Republican Lead Peggy Scott  
Rep. Ned Carroll  
Rep. Brion Curran  
Rep. Sandra Feist  
Rep. Leigh Finke  
Rep. Luke Frederick  
Rep. Matt Grossell  
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