

WILLIAMS COUNTY COURT OF COMMON PLEAS - PROBATE DIVISION
KAREN K. GALLAGHER, JUDGE

INSTRUCTIONS FOR DEPOSIT OF ORIGINAL WILL FOR SAFEKEEPING

An original Last Will and Testament may be deposited with the Probate Court for safekeeping.

Once the Will has been presented to the Court by the testator (the maker of the Will), testator's attorney or guardian of the testator, it is not considered a public record and is not available for public examination.

Items necessary to file a Will for safekeeping:

1. Original Last Will and Testament;
2. Thirty-five Dollar (\$35.00) filing fee (payable in cash, money order, certified check or credit card – a credit card payment will be assessed an additional processing fee); and
3. Completed Probate Form 59.1A, Will for Deposit.

Removing the Will from safekeeping:

If the testator is living, the testator or the testator's authorized representative are the only persons permitted to remove the Will from the Court. The person requesting the removal must appear at the Probate Court in person with a valid photo ID and completed Probate Form 59.1B Withdrawal Request and Receipt.

If the testator is deceased, the attorney filing an estate for the decedent may file a request for a Will search and removal of the Will from deposit to file in the estate case file.

Upon proof of death, the fiduciary may request in writing the Court to remove the Will from safekeeping and ask that it be reviewed by the Judge. The Court will contact the fiduciary (or if no response is received, the alternate fiduciary) regarding the Will.

If the estate is to be administered in another state or county, the Judge from that Court must request the release of the Will. The Court will mail the deposited Will by certified mail to the requesting Court.