

The Weekly Scenario: Where is the Original Copy of your Will?

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You should let someone know where your original Will is stored. If one cannot be found after a person dies, a court may decide it was destroyed. Dying without a Will means intestacy will rule the day and, in that case, state law determines how probate assets will pass.

It may be a good idea to keep a copy of the Will in a safe deposit box, but if you put the original there, it may be difficult to retrieve it after death. Most states require that safe deposit boxes be sealed after the renter dies and a Personal Representative will need to be appointed in order to gain access to the box.

Other places to store your will include:

- Store an original in the office of the Register of Wills in the County where you reside.
- Have your attorney and/or your accountant retain the original will. Some law offices will retain the original in a Will safe file.
- Store the will at home in a safe place. While there is a possibility that the Will could be lost, inadvertently destroyed, or discovered by an interested party who could deliberately destroy or conceal it, this is generally not a huge risk.

As always, if you have any questions or would like to learn more, please contact Steve Shane at sshane@offitkurman.com or [301.575.0313](tel:301.575.0313).