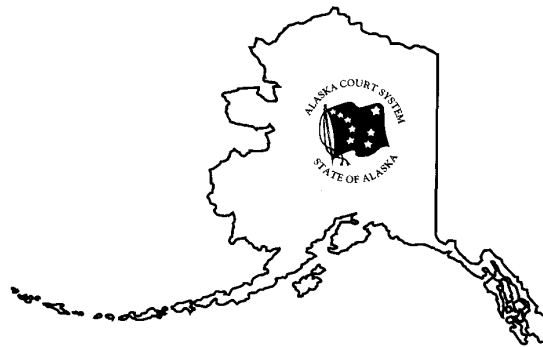


DEPOSITING YOUR WILL

(Depositing your will with the court
for safekeeping)

Answers to Some Common Questions



Administrative Office
of the Alaska Court System

July 2004

WHAT IS A WILL?

A will is a document in which a person tells how his or her property is to be distributed after death. The testator is the person making the will.

DOES THE COURT HAVE A FORM FOR WILLS?

No. The court does not provide forms for wills. Some of the laws about making a will are very technical. If you want to make a will, you may want to consult with a lawyer. If you want to hire a lawyer but you don't know whom to contact, the Alaska Bar Association provides a lawyer referral service.

Lawyer Referral Service

In Anchorage: 272-0352
Toll free number 800-770-9999

WHY WOULD I DEPOSIT MY WILL WITH THE COURT?

If you deposit your will with the court, it will be kept in a secure place, confidential and accessible to you. The deposit of wills for safekeeping is governed by Alaska Statutes 13.11.315-.320 and Probate Rule 5. (It is not required by law that a will be deposited with the court.)

The acceptance of a will for safekeeping by the court in no way insures the validity of any provision contained in the will nor does it enhance the force or effect of the will.

WHAT IS THE PROCEDURE FOR DEPOSITING A WILL?

You must take your completed will to the clerk's office in a superior court. When you deposit a will, the court clerk will ask you to sign an "Agreement and Receipt for Deposit of Will." This agreement lists the names and addresses of the person(s) who may receive a copy of the will upon your death. The court clerk will give you a receipt for the will.

The court will not contact the person(s) designated to receive a copy of your will. It is your responsibility to be sure the appropriate person(s) know you have deposited your will with the court and that they should contact the court upon your death.

IS THERE A CHARGE FOR THIS SERVICE?

Yes. There is a fee of \$40.00.

WHERE DO I DEPOSIT MY WILL?

Your will can only be deposited at a superior court location. A list of superior court locations is at the end of this pamphlet.

If you live in an area served by a district or magistrate court, you can give your will to the court clerk. You will be asked to sign the "Agreement and Receipt for Deposit of Will" form

and pay a \$40.00 deposit fee. The contents of your will do not need to be disclosed. The court clerk will forward your will, the deposit fee and the signed agreement and receipt to the clerk of court of the closest superior court by certified or registered mail. Your will is kept at the superior court location.

CAN I REMOVE MY WILL AT A LATER TIME AND MAKE CHANGES IN IT?

Yes. When you show proper identification, you may withdraw your will. You must complete a "Request for Deposited Will" which indicates when the will was released to you.

Your written permission is required to authorize someone else to withdraw or view your will while you are still alive. Proper identification must be shown to the clerk before the authorized person can see or take custody of your will.

If a will is released, there will be no charge for returning the old will or a new will for safekeeping. A new "Agreement and Receipt for Deposit of Will" should be completed.

CAN I ADD OR CHANGE PROVISIONS IN MY WILL WITHOUT REMOVING AND ALTERING MY ORIGINAL WILL DEPOSITED WITH THE COURT?

Yes. You can submit an additional document amending your will, which is called a codicil. A codicil may be deposited with the original will without an additional charge. An additional "Agreement and Receipt for Deposit of Will" should be completed.

WHAT HAPPENS TO MY WILL UPON MY DEATH?

The clerk will mail a copy of your will to the designated person(s) upon notification of your death by your lawyer or the designated person(s).

REMINDER: It is your responsibility to be sure the designated person(s) know that upon your death they must contact the court and request your will. The original will must be kept on file as a public document. When a probate case is opened, the clerk will put the will in the file. If the original will is needed for filing in an estate case in another court, the clerk will transfer the will to the other court. A copy of the will shall be retained in the location in which you deposited your will.

SUPERIOR COURT LOCATIONS

ANCHORAGE: Probate Office
303 K Street, Room 239
Anchorage AK 99501-2083
264-0433

BARROW: Box 270
Barrow AK 99723
852-4800

BETHEL: Box 130
Bethel AK 99559-0130
543-1105

FAIRBANKS: 101 Lacey St
Fairbanks AK 99701
452-9256

JUNEAU: P. O. Box 114100
Juneau AK 99811-4100
463-4708

SUPERIOR COURT LOCATIONS (Continued)

KODIAK: 204 Mission Rd
Kodiak AK 99615
486-1600

KOTZEBUE: Box 317
Kotzebue AK 99752-0317
442-3208

NOME: Box 1110
Nome AK 99762-1110
443-5216

PALMER: 435 South Denali
Palmer AK 99645-6437
745-4283

PETERSBURG: Box 1009
Petersburg AK 99833-1009
772-3824

SITKA: 304 Lake Street, Rm. 203
Sitka AK 99835-7599
747-3291

VALDEZ: Box 127
Valdez AK 99686-0127
835-2266

WRANGELL: Box 869
Wrangell AK 99929-0869
874-2311