

FINAL BILL REPORT

SB 6121

C 72 L 04

Synopsis as Enacted

Brief Description: Filing a will under seal before the testator's death.

Sponsors: Senators Johnson, Kline, McCaslin, Esser and Winsley.

Senate Committee on Judiciary

House Committee on Judiciary

Background: Wills are often left in the custody of drafting attorneys. If an attorney has not made provisions for the proper disposition of a client's will, prior to the attorney's death or move out of state, the State Bar Association takes control of these documents. The State Bar then has the burden of locating each testator.

Summary: Court clerks are authorized to accept original wills under seal. Any person who has possession of an original will, who does not have knowledge of the testator's death, may file that will under seal with any court having jurisdiction. While the testator may withdraw the will at any time, any other person may only withdraw the will with a court order showing of good cause.

The clerk's office may unseal the will only upon the request and presentation of a certified copy of the testator's death certificate.

Votes on Final Passage:

Senate 49 0

House 96 0

Effective: June 10, 2004