
Judiciary Committee

SB 6121

Title: An act relating to filing a will under seal before the testator's death.

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

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

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| <p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Allows sealed wills to be submitted to the court before the death of the testator. |
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Hearing Date: 2/19/04

Staff: Sarah Shirey (786-5793); Edie Adams (786-7180).

Background:

Attorneys often store their clients' wills as a courtesy. Frequently these wills remain in storage at the drafter's law office longer than the attorney remains in practice. If the attorney has not made provisions for the proper disposition of a client's will prior to the attorney's death, retirement, or out-of-state relocation, these stored wills are transferred to the State Bar Association. The State Bar has the burden of locating each testator.

Summary of Bill:

Wills under seal may be submitted to the court clerk for safekeeping before a testator's death. A testator may withdraw a sealed original will from the court by showing proper identification. A testator's attorney or guardian may withdraw the will only after obtaining a court order by demonstrating good cause. The clerk may unseal the will only upon request and a showing of a testator's death certificate.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.