
Depositing Your Will

Answers to Questions You
May Have When Depositing
Your Will with the Court for
Safekeeping

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 at the following numbers:

In Anchorage: 272-0352

Toll free number: 800-770-9999

Why would I deposit my will with the court?

Depositing wills for safekeeping is governed by Alaska Statutes 13.12.515, 13.26.285, and Probate Rule 5. (It is **not** required by law that a will be deposited with the court.) If you deposit your will with the court, it will be kept in a secure place, and the will is kept confidential by the court until you die. After you die, your will is no longer confidential and it becomes a public court record. Also, even though your will itself is confidential while you are living, the fact that you deposited your will for safekeeping is not confidential, and others may search electronically for the names of people who have deposited wills.

The court's acceptance of a will for safekeeping 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 state 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 persons 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 depositing a will?

Yes. There is a fee of \$50.00. If you are a guardian or conservator depositing the will of your protected person or ward **after** that person has died (under AS 13.26.285(e)), there is no fee.

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 \$50.00 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**, and the clerk will note 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. The authorized person must show proper identification to the clerk before he or she 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 probate file. If a probate case is filed in a different court location, the clerk will transfer your will to that other court. The clerk will keep a copy of the will in the location in which you deposited it.

Superior Court Locations That Accept Wills For Deposit

ANCHORAGE:

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

BARROW:

P O Box 270
Barrow, AK 99723
852-4800

BETHEL:

P O Box 130
Bethel, AK 99559
543-1105

FAIRBANKS:

101 Lacey Street
Fairbanks, AK 99701
452-9256

JUNEAU:

P O Box 114100
Juneau, AK 99811
463-4707

KENAI:

125 Trading Bay Drive
Suite 100
Kenai, AK 99611
283-8502

KETCHIKAN:

415 Main Street, Room 400
Ketchikan, AK 99901
225-3195

KODIAK:

204 Mission Road,
Room 124
Kodiak, AK 99615
486-1600

KOTZEBUE:

P O Box 317
Kotzebue, AK 99752
442-3208

NOME:

P O Box 1110
Nome, AK 99762
443-5216

PALMER:

435 South Denali
Palmer, AK 99645
746-8101

PETERSBURG:

P O Box 1009
Petersburg, AK 99833
772-3824

SITKA:

304 Lake Street,
Room 203
Sitka, AK 99835
747-3291

VALDEZ:

P O Box 127
Valdez, AK 99686
835-2266

WRANGELL:

P O Box 869
Wrangell, AK 99929
874-2311

For more information about this publication, please call the
Alaska Court System Administrative Office at
(907) 264-8240
820 West Fourth Avenue
Anchorage, Alaska 99501