

# Oh, no, your original will is missing!

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In a world that's increasingly paperless, you're likely becoming accustomed to conducting a variety of transactions digitally. But when it comes to your last will and testament, only an original, signed document will do.

## The original vs. a photocopy

Many people mistakenly believe that a photocopy of a signed will is sufficient. In fact, most states require that a deceased's *original* will be filed with the county surrogate's office/surrogate's court if probate is necessary.

If your family or executor can't find your original will, there's a *presumption* in most states that you destroyed it with the intent to revoke it. That means the court will generally administer your estate as if you died without a will (i.e., intestate) and your property instead will pass in accordance with your state's intestacy law, which may not be in the manner you desire to pass under your lost will.

It's possible to overcome this presumption. For example, if all interested parties agree that a signed copy reflects your wishes, they may be able to convince a court to admit it. But to avoid costly, time-consuming legal headaches, it's best to ensure that your family can locate your original will when they need it.

## Storage solutions

There isn't one right place to keep your will — it depends on your circumstances and your comfort level with the storage arrangements. Wherever you decide to keep your will, it's critical that (1) it be stored safely, and (2) your family knows how to find it.

Options include:

- Storing your will at your home or office in a fireproof lockbox or safe and ensuring that someone you trust knows where it is and how to retrieve it.
- Having your attorney, accountant or another trusted advisor hold your will and making sure your family knows how to contact him or her. Note: Some advisors will do it for free as a service to the client, while others won't retain the client's original will because of liability, risk, retention and/or storage concerns.

Storing your original will and other estate planning documents safely — and communicating their location to your loved ones — will help ensure that your wishes are carried out. Please contact us if you have questions regarding your will or other estate planning documents.

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