CLERK'S INSTRUCTIONS FOR DEPOSITING AN ORIGINAL WILL

The original Last Will and Testament may be deposited with the Probate Court for safekeeping pursuant to R.C. 2107.07. Once the Will has been deposited, it is a confidential document and cannot be opened or read until after the death of the decedent.

The exception to this is R.C. 2107.08, which provides that "[d]uring the lifetime of the testator, the testator's will, deposited according to section 2107.07 of the Revised Code, shall be delivered only to the testator, to some person authorized by the testator by a written order, or to a probate court for a determination of its validity when the testator so requests . . . ."

There is a $33.00 filing fee.

The original Will must be presented to the Court enclosed in a sealed envelope that has been endorsed with the name of the testator.

Upon presentation of the Will, the clerk will insert the sealed envelope into one of ours and complete the Certificate of Deposit of Will form (BCPC 438).

After completing the Certificate, the clerk will assign a "PI" case number and collect the $33.00 filing fee.

The case type assigned is "Miscellaneous – Estates" and the Case Sub-type is "Deposit of Will."

The original Certificate of Deposit is to be time-stamped and given to the person depositing the Will, one copy is time-stamped and tracked to the file, the second copy is to be taped to the outside of our envelope over seal. The original Will is then given to the file room to be placed in the fireproof container.

If, upon proof of death of the testator, no person named in the endorsement requests the Will and it has not been declared valid pursuant to R.C. 2107.084, a clerk may review the deposited Will to determine who is nominated as the executor. The identity of the nominated executor may be relayed to the public upon request, but the Will cannot be removed from the Court until offered for probate.

If, upon proof of death of the testator, a person named on the endorsement requests the Will, it shall be released to them upon showing proper identification and completion of the Delivery of Deposited Will form (BCPC 438D), which shall be docketed to the case showing what happened to the Will.