

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1062

Amending Probate Rule 5(a)
concerning deposits of wills.

IT IS ORDERED:

1. Probate Rule 5(a) is amended to provide:

(a) **Deposit of Will.** Upon the deposit of a will by the testator or the testator's agent for safekeeping in the superior court, the clerk or registrar in the probate division shall:

1. Require the testator or the testator's agent to sign an agreement setting forth the names and addresses of the person or persons to receive the will upon the death of the testator, and the clerk or registrar shall in turn sign a receipt for the will to be given to the testator or the testator's agent. If the agreement is signed by the testator's agent, the agent's written authorization from the testator to deposit the will with the court, or a copy of a general power of attorney of the agent from the testator, must be attached to the agreement. The agent shall provide the court with the address of the testator and the court shall mail a copy of the "Agreement and Receipt for Deposit of Will" to the testator. The agreement and receipt will be in form and content substantially as follows:

AGREEMENT AND RECEIPT FOR DEPOSIT
OF WILL

The purpose of depositing a Will with the court is to provide a safe place for the Will. It is not required by law that a Will be deposited with the court. The acceptance of a will for safekeeping by the court in no way ensures the validity of any provision contained in the will, nor does acceptance in any way enhance the force or effect of the Will.

AGREEMENT

I, the undersigned, deposit the Last Will and Testament of _____ for safekeeping with the Superior Court of Alaska. I state that _____, whose address is _____, is named personal representative in the Will and is designated to receive a copy of the Will upon testator's death and that _____, whose address is _____, is named alternate personal representative and is designated to receive a copy of the Will upon testator's death if the personal representative named above is unable to serve or receive the Will. The original Will shall be kept by the court for safekeeping until filed in an estate proceeding.

This Will is a confidential document before the testator dies and cannot be released except to the testator or someone with the

testator's written authority without court order. After death, it becomes a matter of public record.

Date

Testator/Agent
(Agent's authorization must
be attached)

RECEIPT

I acknowledge receipt of the above mentioned Will for safekeeping.

Attached is the agent's written authorization or general power of attorney from the testator as required by Probate Rule 5.

Date

Superior Court Clerk/Registrar

2. Assign a number to the will upon its deposit and shall maintain an alphabetical index to all wills on deposit.

3. Store the wills in a locked fireproof filing cabinet or safe.

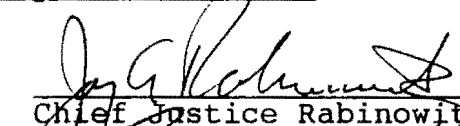
4. During the lifetime of the testator, allow the will to be viewed by or released only to the testator upon showing of positive identification, or to the person to whom the testator has given the specific power in writing to receive or view the will, and who shall also be required to show positive identification.

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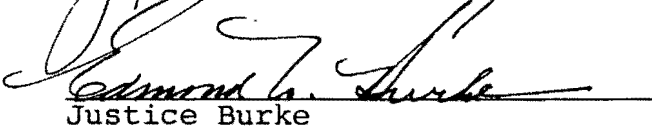
A conservator of the testator may examine
the deposited will only after showing
proper positive identification.

DATED: March 21, 1991

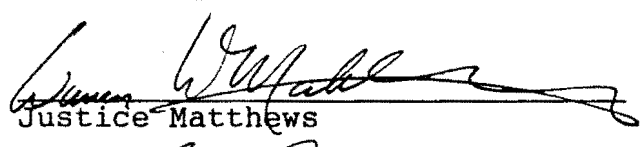
EFFECTIVE DATE: July 15, 1991



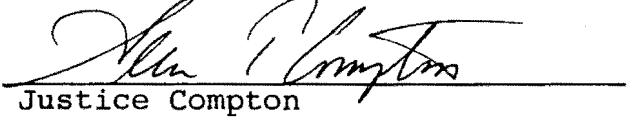
Chief Justice Rabinowitz



Justice Burke



Justice Matthews



Justice Compton

Justice Moore