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# Depositing Your Will

## Answers to Common Questions When Depositing Your Will with the Court for Safekeeping

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### What is a will?

A will is a legal document that tells others how to distribute your property after your death. The person who makes the will is called the testator.

### Does the court have a form for making a will?

**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 talk to a lawyer. If you want to hire a lawyer but you don't know who 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?

If you deposit your will with the court, then your will is kept in a secure place and kept confidential until you die. Even though your will is confidential while you are alive, the fact that you deposited a will for safekeeping is not confidential, and the public can search electronically for the names of people who have deposited wills. After you die, your will is no longer confidential, and it becomes public record.

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You do **not** have to deposit your will with the court for safekeeping, but if you decide to, then AS 13.12.515, AS 13.26.545(e), and Probate Rule 5 govern.

**Important:** Depositing your will with the court does not guarantee that the will or any part of the will is legally valid, and it does not make the will more effective.

### What is the procedure for depositing a will?

You must take your completed will to the clerk's office in a state court. 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 designated to receive a copy of your will. It is your responsibility to be sure the appropriate person knows 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 the protected person **after** that person has died, there is no fee. AS 13.26.545(e).

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## 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.

## How can I change my will?

You can change your will by submitting a codicil. A codicil is a document that amends your original will. To change your original will, give the court your codicil and fill out a new [Agreement and Receipt for Deposit of Will](#), and these two documents will be deposited with the original will without any additional charge.

Or you may replace your original will with a new will by filling out a [Request for Deposited Will](#), a new [Agreement and Receipt for Deposit of Will](#), and giving the court your new will. The clerk will need to see proper identification and will note when the original will was given back to you.

## Can I withdraw my will?

**Yes.** You may withdraw your will if you no longer want your will deposited with the court. You will need to fill out a [Request for Deposited Will](#). If you withdraw your will and then change your mind, you may return your original will or deposit a new will without any additional charge. You will need to fill out a new [Agreement and Receipt for Deposit of Will](#).

You must give written permission if you want 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 seeing or withdrawing your will.

## What happens to my will when I die?

The clerk will mail a copy of your will to the designated person upon notification of your death by your lawyer or the designated person.

**Reminder:** It is your responsibility to be sure the designated person knows that when you die, 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  
825 W. 4<sup>th</sup> Ave., Basement  
Anchorage, AK 99501  
264-0433

### **BETHEL:**

Box 130  
Bethel, AK 99559  
543-2298

### **DILLINGHAM:**

PO Box 909  
Dillingham, AK 99576  
842-5215

### **FAIRBANKS:**

101 Lacey Street  
Fairbanks, AK 99701  
452-9256

### **JUNEAU:**

Box 114100  
Juneau, AK 99811  
463-4700

### **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:**

PO Box 317  
Kotzebue, AK 99752  
442-3208

### **NOME:**

PO Box 1110  
Nome, AK 99762  
443-5216

### **PALMER:**

435 S. Denali St.  
Palmer, AK 99645  
746-8101

### **PETERSBURG:**

Box 1009  
Petersburg, AK 99833  
772-3824

### **SITKA:**

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

### **UTQIAĠVIK: (BARROW):**

Box 270  
Utqiaġvik, AK 99723  
852-4800

### **VALDEZ:**

PO Box 127  
Valdez, AK 99686  
835-2266

### **WRANGELL:**

Box 869  
Wrangell, AK 99929  
874-2311

This publication was produced by the Alaska Court System Administrative Office. For questions about wills or other probate cases, contact one of the court locations above.

For feedback or questions on this pamphlet, contact:  
(907) 264-0572

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