

What We Know

ARTICLES & INSIGHTS

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Safekeeping Your Will – What You Need to Know

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Under North Carolina law, if no one can locate your will after your death, the court will presume you destroyed the will and therefore, consider it revoked. Without a will, the state of North Carolina determines how to distribute your property – not you.

Even if you provided every family member a copy of your will, North Carolina law requires the original. While it is possible to probate a copy, the witnesses to the will would have to come forward, which isn't always possible, and the time and associated costs can add up quickly.

WHERE SHOULD YOU KEEP YOUR WILL?

With the lawyer—Some attorneys will keep an original on file in their office, although fewer are willing to do so due to the increased liability.

In a firebox at home—This is a good idea as long as the people in charge of your affairs after you die know where you stored the firebox and how to access it.

File with the Clerk's office—You can file the original with the Clerk's office for a small fee.

In a safe at home—Although these are not always fireproof, this is a reasonable alternative, as long as someone knows that's where you stored the will and they have a way to access it.

Safety deposit box— This is not the best idea, as banks in North Carolina charge a fee and require a death certificate and possibly a court official before they will allow a family member to access the safety deposit box.

In a freezer bag in the freezer—the freezer will survive a surprising number of calamities (I'm from Carthage—and you'd be surprised how many people from the county use this method). Freezer temperature eliminates mold and most moisture issues.

It's critical to make sure the people you want in charge of your affairs know the location of your will documents and how to access them upon your death. Otherwise, the courts will decide the fate of your estate.

If you have questions about where to store your will and how to keep it safe, please contact an estate planning attorney.

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