

Filing Your Will for Safekeeping



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REGISTER OF WILLS FOR HOWARD COUNTY

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The Importance of Having a Last Will and Testament

A Last Will and Testament is one of the most important legal documents we have. While confronting our own mortality and executing a will may not be easy, it provides peace of mind. It ensures our final wishes are carried out after we pass away and gives our family and friends a roadmap on how to proceed with managing our estate. Without a will, Maryland law would determine who will handle your estate and who inherits, and those determinations may not be in keeping with your wishes. With a will, however, you can make these decisions for yourself, including, but not limited to the following:

1. **PERSONAL REPRESENTATIVE:** Name a personal representative (P.R.) to administer your estate;
2. **WAIVE BOND:** Waive the necessity of your P.R. obtaining a surety bond;
3. **DIRECT INHERITANCE:** Specify how you want your property distributed after your death;
4. **CHARITY:** Make charitable bequests;
5. **DISINHERIT:** Disinherit heirs who you've provided for during life or otherwise prefer not to inherit;
6. **TRUSTS:** Create a testamentary trust, often for the protection of assets for minors;
7. **FUNERAL EXPENSES:** Allow for funeral expenses of your estate over \$15,000;
8. **TAXES:** Provide for the payment of inheritance and other taxes by your estate instead of those taxes being owed by your heirs; and
9. **MINOR CHILDREN:** Nominate someone to be guardian of your minor children.

Instructions & FAQ's

1. OVERVIEW

Each of Maryland's 24 jurisdictions has an office called the Register of Wills. One of the services these offices provide is to store your Last Will and Testament for safekeeping. This is a lifetime, confidential service for the storage of your will.

2. HOW DO I REGISTER MY WILL?

1. Place your executed Last Will and Testament in a sealed standard size (No. 10) envelope.
2. Print or write your name, address, and last four digits of your Social Security Number on the envelope. (*See Template and Example below*).
3. File your sealed Will with the Register of Wills of the jurisdiction in which you are domiciled with a fee of \$5.00 made payable to "Register of Wills."

WILL ENVELOPE TEMPLATE

Full Name Full Address Last Four Digits of SSN
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WILL ENVELOPE SAMPLE

John Q. Public 1234 Main Street Ellicott City, MD 21043 XXX-XX-1234
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3. FAQS ABOUT WILLS

What are the requirements of a valid Last Will and Testament in Maryland?

A valid will must be (1) in writing, (2) signed by the testator (the individual making the will), and (3) attested and signed by two or more credible witnesses in the presence of the testator. The will can be typed or handwritten. Witnesses may be any two competent adults, including individuals inheriting in the will.

Does my will need to be notarized?

In Maryland, a will does not need to be notarized, however a notary may serve as a witness.

3. FAQs ABOUT WILLS (*Continued*)

Is a will from another state valid in Maryland?

If the will from another state conformed with the requirements of a valid will in the state in which it was executed, it will be valid in Maryland.

Can I change my will?

Yes. A will can be changed at any time before death if a person is competent. The changes should not be made by alteration to the existing will but by a document called a "codicil," which is an amendment to a will. A codicil must be executed with the same formalities as a will. You can register your codicil for safekeeping just as you would a will.

When Should A Will Be Changed?

A will should be reviewed whenever a significant change in personal or financial circumstances occurs. For example, a change in marital status warrants a review of the will.

4. FAQs ABOUT OUR SAFEKEEPING SERVICE

Should I mail my will or bring it to the office?

Our office is located in the Circuit Court at 9250 Judicial Way, Suite 1100, Ellicott City, MD 21043. You can (1) mail your will to us with a check for \$5.00 made payable to "Register of Wills," or (2) bring your will and payment into our office during our normal business hours, 8:30am - 4:30pm, Monday through Friday. If you mail your will, a receipt for payment will be mailed to the address listed on the check unless otherwise specified.

Which forms of payment do you accept?

If you mail us your will, you may pay by check or money order. If you bring your will into the office to be filed, you may pay by check, money order, cash, or credit card. There is a 3% fee for credit card transactions, so the total fee for this service would be \$5.15.

Should I file the original will or a copy?

You should file your original Last Will and Testament or Codicil. In Maryland, copies of these documents may be admitted to probate after someone dies, but there are additional procedures that must be followed and no guarantee it will be honored. When you file your original papers, our office will be happy to make copies for you at no charge.

4. FAQs ABOUT OUR SAFEKEEPING SERVICE (*Continued*)

Am I required to file my will with the Register of Wills?

No. This is an optional service the Registers' office provide to the public as an alternative to storing your will at home, in a safe deposit box, or with an attorney.

Can anyone see my will while it's on file?

No. This is a confidential service.

How can I retrieve my will after I've filed it with the Register of Wills?

The testator or someone who has given explicit written instructions in writing, signed by the testator, can withdraw a will from safekeeping. Your will can be returned to you in person or by mail.

If I've filed my will for safekeeping, how can I obtain a copy of it?

You will need to visit the Register of Wills. In your presence, we will unseal the will, make a copy of it for you, reseal the will, and have you initial and date the envelope to document when and why it was opened. This will allow you to obtain a copy and have the peace of mind of knowing your will remains securely stored.

Can my POA (Power of Attorney) remove or make a copy of my will?

A generic Power of Attorney cannot remove or make a copy of your will. If your Power of Attorney grants explicit permission for this purpose, however, they may follow the same procedures as you would if you were removing or making a copy of the will yourself.

Is a will filed with the Register of Wills given priority over other wills?

A will filed for safekeeping does not give the will any special legal status over other wills you may execute. As a general rule, we use the most recent will of the decedent when an estate is opened. Sometimes the most recent will is one we have in safekeeping and sometimes it is a subsequent will presented to us by a relative or attorney. If you have a will on file with us and execute a new one, we recommend that you withdraw your prior will and then file your more recent will for safekeeping.