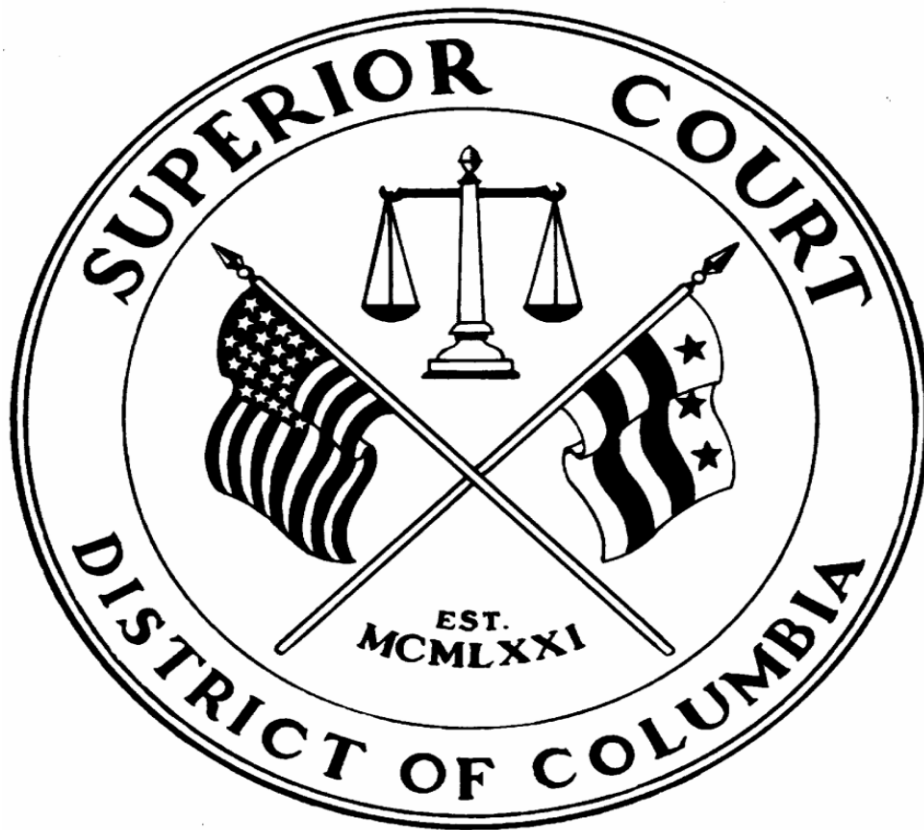


FILING A WILL IN THE DISTRICT OF COLUMBIA



**Office of the Register of Wills, Probate Division
515 5th Street, NW, Third Floor
Washington, DC 20001**

All attached forms and documents are available through the division's website:
http://www.dccourts.gov/internet/legal/aud_probate/main.jsf

How do I file a will?

General Information

Wills are filed with the Probate Division at the Probate Clerk's Office, located at 515 5th Street, NW, Room 314, Washington, DC 20001. The Probate Division does not accept wills before death. The will should be filed within 90 days after the death of the deceased person with a *Certificate of Filing Will*. There is no cost to file a will. An *Affidavit of Witness* may be filed to explain any irregularity contained in the will. The will, the *Certificate of Filing Will* and the *Affidavit of Witness*, if necessary, are filed in a WIL case jacket and assigned a WIL case number. The original wills are kept in storage and can be retrieved if needed.

Frequently Asked Questions

A. Definitions - Who is the personal representative?

The personal representative is the person appointed by the Court to administer a decedent's estate. It can be the person nominated in the decedent's will. If the decedent died without a will, it can be the decedent's next of kin. In some situations, a creditor of the decedent can be the personal representative.

B. Getting Started - Can a will be filed prior to death?

No. A will may be filed only after the death of the person who signed the will.

B. Getting Started - Can I retain the original will and file a copy?

No. The original will must be filed with the Probate Division of the Superior Court of the District of Columbia.

B. Getting Started - Do all wills have to be filed?

Yes. The law requires that a will be filed within 90 days after the death of the testator (i.e., the person who executed or signed the will).

B. Getting Started - Do you need a will to open an estate?

No. If the person died without a will, you may still file a petition for probate to open an estate and indicate on the petition that the person died intestate (which means "without a will"). If the person died with a will, the will must be filed either before or with the documents needed to open an estate.

B. Getting Started - How much does it cost to file a will?

There is no cost to file a will.

C. Other Questions - Does a will need to be notarized?

No. Under the law in the District of Columbia, the will must be in writing, signed by the testator, and attested and signed by at least 2 credible witnesses in the presence of the testator.

C. Other Questions - Does the Probate Division accept living wills for filing?

No.

C. Other Questions - How do I obtain a will from a safe deposit box?

If you are not authorized to enter the safe deposit box of the decedent, you may petition for the appointment of a special administrator to open the safe deposit box by filing a *Petition for Appointment of Special Administrator to Enter Safe Deposit Box and Order*.

C. Other Questions - How do I obtain a will from someone who is withholding it?

File a petition for standard probate, and follow the procedure set forth in Superior Court, Probate Division Rule 403(a)(4). See *Filing Standard Probate Proceedings in the District of Columbia*.

C. Other Questions - How long does the will remain at the Probate Division?

The Probate Division keeps wills forever as a permanent part of the public legal record. The will is kept in the Probate Division for a period of 10 years from the date of filing. After 10 years, it is archived permanently.

C. Other Questions - How much does it cost to request a copy of a will?

If the Probate Division copies a will for you, it will cost 50¢ per page. If you wish to visit the Probate Division to copy the will yourself, you may do so at the public copier at a cost of 25¢ per page.

C. Other Questions – I have been told to come to the Probate Division to pick up letters. How is this done?

Letters of Administration are the formal document issued by the Court after a petition for probate is filed and the Court issues an order opening the estate and appointing a personal representative. When a personal representative is appointed in a large estate proceeding, 12 original Letters of Administration are included in the materials sent to the personal representative or counsel for use in administering the estate. Additional Letters may be ordered by the personal representative or counsel at a cost of \$1.00 each. To request appointment as personal representative, see *Filing for the Administration of a Decedent's Estate (ADM) in the District of Columbia*.

C. Other Questions – If a will has been filed incorrectly in the District of Columbia, how can it be released, so that it can be filed in the proper jurisdiction?

Once a will has been accepted for filing, it can be released only by order of the Court. To obtain such an order, file a verified petition for release of the will and a proposed order authorizing transfer of the will. The following information must be included in the petition: (1) the facts that indicate that the will was filed in the District of Columbia in error, (2) the facts that explain why another state has jurisdiction, (3) the mailing address and telephone number of the Clerk of the Court in the jurisdiction to which the will is to be transferred who is authorized to accept the will on behalf of that Court. The Court will review the petition and issue an order either granting the petition or denying it. A copy of the order will be mailed to you. If the petition is granted, the Office of the Register of Wills will send the will to the other jurisdiction as a court-to-court transfer.

C. Other Questions - If I am nominated in a will to serve as personal representative and do not wish to serve as personal representative, what should I file?

If a nominated personal representative does not wish to serve, he/she can file a Renunciation.

C. Other Questions - If there is no estate why does the will need to be filed and retained at the Probate Division?

The law in the District of Columbia requires that the will be filed even if there is no estate.

Whether an estate needs to be opened or is solvent is a separate issue.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ WIL _____
(Link to: _____)

In re Estate of

Deceased

CERTIFICATE OF FILING WILL

I, _____, on this _____ day of _____, 20____, hereby submit for filing the following paper-writing(s) purporting to be the Last Will and Testament and/or Codicil(s) of _____

(insert all name(s) of decedent as reflected in the will(s) and/or codicil(s))

who died on or about the _____ day of _____, 20____, domiciled in the District of Columbia.

Date of document(s): _____

Unusual attributes (if any): _____

Name of nominated personal representative: _____

Address of nominated personal representative (if known): _____

The same (was) (were) received from _____.

Case No: _____ADM/SEB_____ is open or is being opened.

No estate is open.

Name: _____

(signature)

Address: _____

Telephone Number: _____

FOR OFFICE USE ONLY

Reviewed by _____
(signature)

Comments: _____
