



SAFEKEEPING YOUR WILLS **AT THE SUSSEX COUNTY** **REGISTER OF WILLS OFFICE**

*The proper storage of a Will is essential to ensure that the Will is accepted by the Court for probate after the person who made the Will (the testator) passes away. Your original Will may be deposited at the Register of Wills Office. This has several advantages, the most important being that your Will is held securely. Since your Will is recorded, no attempt can be made to administer Probating your estate without using the Will. **Please contact the office, as these services are done by appointment only.***

SAFEKEEPING FAQ

- **Can a Will be deposited for Safekeeping?**

Yes, you may deposit your original Will for “safekeeping” with the Register of Wills Office. There is a \$10.00 fee for this service.

- **Can a Will, deposited for Safekeeping, be removed?**

Yes, you can withdraw your original Will filed with the Register of Wills Office for “safekeeping”. Proper identification must be presented along with the original receipt from when the Will was filed.

Only the person who wrote the Will or their written designee can remove the Will. The written designee must have a written designation signed by the person who wrote the Will and witnessed by two additional persons other than the person who will be withdrawing the Will.

- **If I put my Will in for safekeeping at your office, can other people see it?**

No. Wills kept for safekeeping in our office are NOT public record.

Fees for safekeeping your Will:

- For receiving, securing and indexing receipt of an original Will of a living person (safekeeping) **\$10.00**
- For allowing the testator or testatrix to examine the contents of their previously filed Will at the Register of Wills Office and to return such without amendment or change **\$2.00**
- For receiving a codicil to an existing indexed and filed Will of the testator or testatrix **\$5.00**
- For receiving a memorandum at the time of the filing of the original Will under 12 Del. C. §212 **no charge**
- For receiving an amendment or change to the original memorandum pursuant to 12 Del. C. §212 **\$5.00**

What is required to make a valid Will?

1. The maker must be at least 18 years of age and of sound and disposing mind and memory;
2. The Will must be signed by the maker or signed by a person writing the maker’s name in his or her presence and at the maker’s direction;
3. The Will must be witnessed by two or more credible adult witnesses in whose presence the maker signed the Will. (In Delaware, a beneficiary to the Will may be a witness although in some states this is not allowed.)
4. After the maker’s death, the Register of Wills determines the Will’s validity. A Will can be proven valid by its witnesses essentially swearing to its validity or it has a self-proving page attached with the same two credible witnesses’ signatures and notarized. If a Will is not proven, it is rejected and has no force or effect.

CONTACT:

Address:

Register of Wills
5 East Pine St., P.O. Box 743
Georgetown, DE 19947

Hours:

Monday through Friday
8:30 a.m. to 4:30 p.m.

Phone: (302) 855-7875

Fax: (302) 853-5871

Email: willsinfo@sussexcountyde.gov