

LETTER RETURNING ORIGINAL WILL TO CLIENT

Re: Your Will

Dear [Name]:

Because the Oregon State Bar encourages us to return clients' original estate planning documents, we have decided to return your original Will to you. Please complete the enclosed form verifying your address and telling us how you would like your original Will sent to you.

Once you receive your Will, there are several options for storing it. Below is a discussion of the pros and cons of each method.

Please DO NOT unstaple your Will. Unbinding it opens the door to a challenge that pages have been replaced inappropriately. DO NOT write on your Will or make corrections on it. Handwritten changes may render your will invalid.

If you see items that need to be changed, please call me immediately to schedule a time for you to come in and talk about updating your Will. This will ensure that any changes made to your Will will be done properly and in accordance with the law.

- A. **Storing Your Will in Your Safety Deposit Box.** The benefit of a safety deposit box is that your Will is safe from destruction, fire, theft, and inquisitive beneficiaries.

The cost of a box large enough to hold your Will will likely vary between \$ _____ and \$ _____ per year, depending on your bank.

Optional paragraph: Recommendation against adding personal representative or beneficiaries to safety deposit box

[I recommend against adding your personal representative or beneficiaries as signers on your safety deposit box since doing so may give their creditors the right to seize the contents of your box. In recent years, the law in Oregon was changed to allow certain interested persons to open your box after your death to search for and retrieve your original Will. Therefore, adding personal representatives or others as signers to a safety deposit box should no longer be necessary. If you have any questions about adding someone as a signer to your box, please call me.]

Optional Paragraph: Recommendation to add Personal Representative as a signer to safety deposit box

[I recommend against adding beneficiaries as signers on your safety deposit box since doing so may give their creditors the right to seize the contents of your box. You may, however, want to add your personal representative as a signer.

Although Oregon law was changed in recent years to allow certain interested persons to open your box after your death to search for and retrieve your original Will, this process involves legal paperwork your estate must pay for. Adding your personal representative as a signer to your box now will save time, paperwork, and money. If you have any questions about adding your personal representative or someone else as a signer to your box, please call me. Provide information regarding where the box held and key are located to make accessing the box easy.]

- B. **Storing Your Will in Your Home.** The benefit of storing your Will at home is that your Will is easily accessible. Unfortunately, this can also be a disadvantage. It is possible for an angry beneficiary to obtain your original Will and destroy it before other beneficiaries discover what has happened.

Storing a Will at home without the benefit of a locked, fire-proof box or safe also means that it is vulnerable to theft, fire, or other destruction. *If something should happen to your Will, please call me at once so I can prepare a replacement original for you to sign.*

- C. **Storing Your Will at Home in a Fire-Proof Box or Safe.** Many clients choose this option over a safety deposit box. While fire-proof boxes or safes can be a good storage alternative to protect your Will, they can also be a target for thieves. Please remember this when deciding how to store your Will. Also, be sure your personal representative knows where the box or safe is located, and how to access the box or safe, if locked.

I have enclosed a form that informs me how to return your Will to you, and requests you to update your address information. Please return the enclosed form by _____.

Truly yours,

[Attorney]
[Firm]

Enclosure

IMPORTANT NOTICES

This material is provided for informational purposes only and does not establish, report, or create the standard of care for attorneys in Oregon, nor does it represent a complete analysis of the topics presented. Readers should conduct their own appropriate legal research. The information presented does not represent legal advice. This information may not be republished, sold, or used in any other form without the written consent of the Oregon State Bar Professional Liability Fund except that permission is granted for Oregon lawyers to use and modify these materials for use in their own practices. ©2018 OSB Professional Liability Fund.

To: *[Attorney]*
 [Firm]
 [Address]

From: *[Insert Name of Client(s)]*

Please check one:

My address is correct: Yes _____ No _____

My new address is: _____

My telephone number is: _____

Please check one:

Please return *[my/our]* original Will[s] by: UPS or FedEx _____

 Certified Mail _____

 I/We will pick up _____

[Name of Client(s)]

Date