



HOTLINE QUESTIONS: CLIENT WILLS

Hotline Questions is a continuing series that will share answers to questions frequently asked via the OBLIC Hotline.

Calls to the **HOTLINE** often ask about client wills. Of course, the facts of your specific situation may differ. Here are some scenarios:

- I have original, executed client wills that our firm kept for the clients. I'm not sure where the clients are or if they are still alive, what should I do with these wills?
- I'm getting ready to retire, what do I do with the original, executed wills I have? I have boxes of these wills.
- I practiced in a firm with older attorneys. They retired and left me the original, executed wills they had kept for clients. Some of these wills are really old. What do I do with them?

In each of these situations, the client should be contacted to try to return the original will. You can start with the last contact information in the file. If that is not successful, you can try an online search of electronic records such as:

- County Auditor real estate records for current address
- Probate Court to determine if there was an estate for the client
- Search by client name for Obituary or general information

If you cannot locate the client, you can deposit the will with the judge of the probate court in the county where the testator lives pursuant to [2107.07 ORC](#). This can be done before or after the death of the testator, and if after death, with or without applying for its probate.

Yes, you will have to pay the fee of \$25.00 to the court. You should keep a list of all wills placed on deposit and the probate court where the wills are located.



BEST PRACTICES TIP: Don't keep client wills! The old idea that you keep the will and the family will return to you to probate the estate often does not happen.

As with any representation, it is best to give the client file and all original documents to the client at the conclusion of the representation and send a File Closing Letter.

Click for sample [OBLICAlert File Closing Letters](#)

For original, executed wills, talk to the client to place the will on deposit with the probate court pursuant to 2107.07 ORC. The client can keep proof of the deposit with a copy of the will in their important papers.

As always, if you have any questions about this or any other topic, please do not hesitate to contact me.

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