

MESSY SEARCH FOR MISSING WILLS CAN BE AVOIDED

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It is not uncommon to see such advertisements in the newspapers where law firms acting for certain parties are trying to locate wills as it involves the transfer of ownership/sale of properties held in the name of the deceased.

Such situations arise when the testator passes on without informing anyone about the will he or she has written. It is situations like this that renders having a will like not having a will.

Take the case of famed Olympic sprinter Florence Griffith-Joyner, more popularly remembered as Flo Jo. When she died at the age of 38 in 1998, her husband could not find her original will and thus, failed to file it with the probate court within 30 days of her death as required by California law.

So when a dispute arose between her husband and her mother as to whether Flo-Jo did promise her mother that she could live in their house the rest of her life, the matter had to be taken to court which could have been avoided had she informed someone of where she had safely kept her will.

Some may consider that they have completed the all-important task of taking care of their estate by writing the will. This is so wrong a view! Like it's commonly stated, *it ain't over until the fat lady sings*

Writing the will is just half the task done. It is only complete when it is kept in safe custody, free from tampering and can be easily retrieved when the testator passes on.

Even the aspect of safe custody tends to be under-rated in its importance. As a paper document, the will can be subjected to the spoils of time and nature and can be partially or fully destroyed. Torn pages through mishandling, burnt or wet portions that make writings illegible will render the will invalid.

Also it may be a wrong notion that the best solution is to keep wills in a safe deposit box. While that would make it secure, there is a very high probability

that the will cannot be easily retrieved once the testator being the account holder of the safe deposit box dies. All bank accounts including the safe deposit box becomes frozen then.

It would thus be prudent to keep wills in a custody centre for example that addresses concerns of wills-damage probabilities with flood and fire-protection, humidity control and advanced bio-metric security features.

And it is doubly better if the custody centre provides custody cards which the testator can hand over to family members or the executor of the will so that they will know where the will is being kept and how it can be easily retrieved.

That truly makes safe even safer for the testator!