

What about a lost will?

An original will is a precious thing.

Its existence proves the will is or may still be in effect. A photocopy does not prove this.

A person who signs a will is called a testator.

Lawyers usually advise clients to keep the original will in a safe place, where it cannot be damaged by flood or fire, stolen or thrown out by mistake. Sometimes the lawyer stores it for the testator. The testator may put it in a safety deposit box or some other place that seems safe.

What happens if it is missing when the testator dies?

If the testator was supposed to be holding the will at the time of death, and it is missing, the law presumes the testator destroyed the will on purpose. The law is that destruction by the testator revokes the will.

But if a will is missing, all may not be lost.

Suppose when Felix visits his Aunt Edyta for a cup of tea on Sunday she told him her original will was in her desk drawer. It is a reminder because Aunt Edyta has told Felix this many times before. She has shown him the will in the drawer a few times.

Aunt Edyta dies on Monday. Felix goes to the desk drawer. The will is not there. Felix looks everywhere. He cannot find the original will.

Felix can go to the court and tell the story of how Aunt Edyta told him, many times, where the will was. He saw it there himself. On the day before she died, she told him it was still there.

The court may decide this evidence is enough to prove that Aunt Edyta did not destroy the will.

This is an example of a court process called **proving a will**. It can solve the problem of a lost will, although it costs money and takes time.

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