

Wills

NDCC 30.1-11.01 Custody and deposit of Wills

Deposit of will in testator's lifetime. The testator or the testator's agent may deposit a will with a recorder for safekeeping. The will must be sealed and kept confidential. During the testator's lifetime, a deposited will must be delivered only to the testator or to a person authorized in writing signed by the testator to receive the will. A conservator may be allowed to examine a deposited will of a protected testator under procedures designed to maintain the confidential character of the document to the extent possible, and to ensure that it will be resealed and kept on deposit after the examination.

DEPOSITING A WILL:

The testator or the testator's agent may deposit a will in the Recorders Office upon payment of a \$10.00 filing fee. You will be asked to note on the outside of the sealed envelope your personal representative or person authorized to obtain your will from our custody.

Wills are kept on file in a locked area with no access to anyone other than a staff member of the County Recorder's Office.

SAFEKEEPING, EXAMINATION AND WITHDRAWAL OF A WILL DURING TESTATORS LIFETIME:

The County Recorder may disclose the fact that the testator has deposited a will for safekeeping to members of the general public who request the information, as this is public information, but may not disclose the contents of the will.

A recorder may, at the request of the testator or the person designated in writing by the testator, deliver to the testator the deposited will and permit the testator to review the will in a private part of the recorder's office. The testator may return the will under seal to the recorder for deposit without the will leaving the recorder's office.

If the testator or person designated in writing by the testator requests to withdraw their will leaves the recorder's office with the will and wishes to redeposit the will later, a filing fee of \$10.00 will be charged to refile the will.

A Personal Representative named may not receive the will without specific written authorization from the testator during testator's lifetime.

A conservator may be allowed to examine the deposited will of a protected testator after providing the recorder with a copy of the conservator's order for appointment or letters of conservatorship. These orders or letters will be examined by the recorder to determine whether there are restrictions on the powers of the conservator because these restrictions are effective regarding third persons such as the recorder.

Requiring proof of identification from persons claiming to be authorized to examine the will and requiring the person examining the will to sign a receipt not only reasonably protects the recorder's office but also helps to provide proof for a prosecution if the person is acting falsely.

During the testator's lifetime, a deposited will must be delivered only to the testator or to a person authorized in writing signed by the testator to receive the will.

A testator may withdraw their will from deposit at any time upon signing a receipt.

RELEASING WILL AFTER DEATH OF TESTATOR:

Proof of death must also be established prior to release of a will. This can be done by providing a copy of the death certificate or an obituary.

The recorder may permit a person who is authorized in a writing signed by the testator to receive the will or to examine the will. If there is no designation in writing regarding delivery to a person after death, then the will may only be delivered to the appropriate court.

If an attorney requests the will a letter indicating they are representing the family, date of death of the testator and copy of the death certificate should be provided.

Requiring proof of identification from persons claiming to be authorized to receive the will and requiring the person receiving the will to sign a receipt not only protect the recorder's office but also helps to provide proof for a prosecution if the person is acting falsely.

Birth & Death Records

Birth and Death records are on file with the
North Dakota State Department of Health

Requests for Birth and Death Certificates need to be sent to the ND State Department of Health
Vital Records at the following address:

North Dakota State Department of Health

Vital Records

600 East Boulevard Ave., Dept 301

Bismarck, ND 58505-0200

701-328-2360

Email vitalrec@state.nd.us

Request forms can be accessed online at: www.vitalnd.com