

SAFE DEPOSIT BOX

6. If D had a **safe deposit box**, do the following:
 - a. See Special Instruction 4—Safe Deposit Boxes.
 - b. If entry will be attempted without court order, do the following:
 - (1) Locate key. If key cannot be located, arrange with bank or other institution to have locksmith open box.
 - (2) Determine if there is a joint holder who can gain access without intervention of personnel of bank or other institution and, if so, have joint holder open box, remove contents, and bring contents to your office. Prepare a Receipt for Documents (Form 3) for all original items you retain.
 - (3) Meet with client and make inventory of box.
 - (4) Obtain copy of inventory for file and place in file folder entitled “Safe Deposit Box.”
 - (5) If some desired items cannot be removed without letters testamentary, letters of administration, or a court order, make list of those items desired. After obtaining letters testamentary, letters of administration, or a court order to the bank or other institution, have client open the box, remove those items, and bring them to your office. Make appropriate copies and furnish client with a Receipt for Documents (Form 3) for all original items you retain.
 - (6) If box is relinquished, determine if refund is available. If refund is received, list amount as an account receivable in Section 12.0 of MIL.
 - (a) If IA, TBA, IBA, ADE, AWA, RDA, AP, or TDA, deposit refund into estate account.
 - (b) If MT, SE, or PDH, distribute refund to appropriate heirs and beneficiaries.
 - c. If original will, life insurance policies, and other important documents are believed to be in safe deposit box but access is denied except upon court order, do the following:
 - (1) Prepare Motion to Open Safe Deposit Box and to Examine Papers and Order thereon (Form 4).
- Note:* In some counties the probate court prefers to use its own printed forms for this procedure. You should investigate your local practice concerning this.

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(2) Determine amount of filing fee, arrange for payment, and charge to client's account.					
(3) File Motion to Open Safe Deposit Box and to Examine Papers and Order thereon (Form 4) with clerk of court.					
(4) Determine from clerk if this is the docket number of the estate for this purpose only or if it also will be the docket number when the application to commence probate proceedings is filed. If this number will be used for all proceedings, enter it as Item 6.01 of MIL. If not, make no MIL entry at this time.					
(5) Have judge sign the order.					
(6) Obtain signed copy of order.					
(7) Locate key. If key cannot be located, arrange with bank or other institution to have locksmith open box.					
(8) Make appointment with bank or other institution to meet with one of its officers.					
(9) Present order to bank or other institution named as respondent.					
(10) Meet with client and officer and make inventory of box.					
(11) If no further action is required before removing items from box, take those items that are necessary, make appropriate copies, and furnish client with a Receipt for Documents (Form 3) for all original items you retain.					
(12) If D's original will and codicil(s) are located, they are to be delivered to clerk of court. Obtain copies before delivery. <i>Note:</i> It is common practice for the attorney to obtain possession of the original will and codicil(s) for use in preparing documents to be filed with the court, and these originals are customarily filed at the same time as (rather than before) filing an application to probate the will.					
(13) If insurance policies are located and are to be delivered to a named beneficiary rather than to you or to your client, take extensive notes to be sure you get at least all the following for each policy: name and address of insurance company, policy number, face amount, type of policy, date of issuance, name of insured, name of beneficiary, name of agent, and premium information.					
(14) When inventory is made, obtain copy for file and place in file folder entitled "Safe Deposit Box."					

- (15) If box is relinquished, determine if refund is available. If refund is received, list amount as an account receivable in Section 12.0 of MIL.
- (a) If IA, TBA, IBA, ADE, AWA, RDA, AP, or TDA, deposit refund into estate account.
- (b) If MT, SE, or PDH, distribute to appropriate heirs and beneficiaries.
- d. Conform file copies of all documents for dates and signature.

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