



COLUMBIA COUNTY

Columbia County Circuit Court
Register in Probate Office

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Deposit of will in circuit court during testator's lifetime: Wisconsin Statute Chapter 853.09(1)

853.09 Deposit of will in circuit court during testator's lifetime.

- (1) **DEPOSIT OF WILL.** Unless provided otherwise by county ordinance, any testator may deposit his or her will with the register in probate of the court of the county where he or she resides. The will shall be sealed in an envelope with the name and address of the testator, and the date of deposit noted thereon. If the will is deposited by a person other than the testator, that fact also shall be noted on the envelope. The size of the envelope may be regulated by the register in probate to provide uniformity and ease of filing. A county board may, by ordinance, provide that wills may not be deposited with the register in probate for the county. Wills deposited with the register in probate prior to the effective date of that ordinance shall be retained by the register in probate as provided under sub. (2).
- (2) **DUTY OF REGISTER IN PROBATE.** The register in probate shall issue a receipt for the deposit of the will and shall maintain a registry of all wills deposited. The original will, unless withdrawn under sub. (3) or opened in accordance with s. 856.03 after death of the testator, shall be kept on file for the period provided in SCR chapter 72; thereafter the register may either retain the original will or open the envelope, copy or reproduce the will for confidential record storage purposes by microfilm, optical disc, electronic format, or other method of comparable retrievability and destroy the original. If satisfactorily identified, the reproduction is admissible in court for probate or any other purpose the same as the original document. Wills deposited with the county judge under s. 238.15, 1967 stats., shall be transferred to the register in probate and become subject to this section.
- (3) **WITHDRAWAL.** A testator may withdraw the testator's will during the testator's lifetime, but the register in probate shall deliver the will only to the testator personally or to a person duly authorized to withdraw it for the testator, by a writing signed by the testator and 2 witnesses other than the person authorized.

Requirements to deposit a will for safekeeping in Columbia County:

1. The original will shall be in sealed envelope.
2. The name and address of the testator shall be on the envelope.
3. If the will is deposited by a person other than the testator, that fact also shall be noted on the envelope.
4. The size of the envelope shall be no larger then #10-business size envelope or 4 1/8 inches by 9 1/2 inches.



SAMPLE ONLY

ORIGINAL WILL OF JOHN DOE DATED: 01/01/2000 ADDRESS: 123 Main Street TOWN, WI Deposited by: Name (if filed by other than testator)
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