



SPONSOR: Sen. Richardson & Sen. Pettyjohn & Rep. Wilson
Sen. Hocker; Rep. Baumbach

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 238

AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO THE REGISTER OF WILLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 2513, Title 12 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2513. Deposit of original wills with Register in New Castle County and Sussex County.

4 (a) An original will may be deposited by any testator, testatrix, attorney-in-fact or attorney-at-law for safekeeping
5 in the office of the Register of Wills for New Castle County or Sussex County upon payment of a fee of \$5.

6 (e) The Register, upon receipt of notice of death and an affidavit of the proposed personal representative which
7 alleges that, at the time of the decedent's death, the decedent was not a resident of ~~New Castle County~~ the county in which
8 the will was deposited at the time of the decedent's death, shall deliver the will to the probate officer or Register of Wills for
9 the county or state where the decedent is alleged to have resided at the decedent's death.

10 (h) The fee to be paid the Register may be increased or reduced by the ~~New Castle County Council~~ county council
11 in which the will was deposited, at its ~~the~~ county council's election.

SYNOPSIS

Under current law, a person may deposit, for a fee, an original will with the Register of Wills in New Castle County for safekeeping. The person is not required to be a resident of New Castle County, but only the New Castle County Register of Wills is authorized to store original wills.

This Act expands current law to authorize the Register of Wills in Sussex County to similarly store original wills.

Author: Senator Richardson