

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 173

IT IS ORDERED:

I. That the existing Rule 3 of the Rules of Probate Procedure is hereby repealed.

II. That the existing Rules 1, 2, 4 and 5 of the Rules of Probate Procedure are hereby renumbered as Rules 6, 7, 8, and 9, respectively.

III. That the following Rules of Probate Procedure are hereby adopted:

RULE 1

Decedents' Estates - Substantive  
Rights Under Old Code Remain  
Inviolable - Procedure

All substantive rights accruing prior to January 1, 1973, under Title 13, Alaska Statutes, prior to its repeal by 78 SLA 1972 shall remain in full force and effect subsequent to said date.

Probate of any decedent's estate commenced and pending prior to January 1, 1973, may be continued to conclusion under the procedures established under Title 13 as it existed prior to its repeal by 78 SLA 1972 provided the personal representative of said decedent shall file a notice in writing of such intention with the superior court within 30 days from promulgation of this rule. If no such notice is filed the rules of procedure prescribed by the present Title 13, which became effective January 1, 1973, shall be applicable.

RULE 2

Setting of Hearing Dates

Orders or notices setting the time and place for hearings on all matters under the provisions of Title 13, Alaska Statutes, may be signed by the person or persons designated by the presiding superior court judge of each judicial district.

RULE 3

Rule on Deposit of Wills  
For Safekeeping

Upon the deposit of a will by the testator or his agent for safekeeping in the superior court, the clerk or registrar in the probate division shall:

1. Require the testator or his agent to sign an agreement setting forth the names and addresses of the person or persons

to receive the will upon the death of the testator, and the clerk or registrar shall in turn sign a receipt for the will to be given to the testator or his agent. The agreement and receipt shall be in form and content substantially as follows:

Nc. \_\_\_\_\_

AGREEMENT AND RECEIPT FOR DEPOSIT OF WILL

I, the undersigned, hereby deposit the Last Will and Testament of \_\_\_\_\_ for safekeeping with the Superior Court for the State of Alaska, \_\_\_\_\_ Judicial District at \_\_\_\_\_, Alaska, and further state that \_\_\_\_\_ whose address is \_\_\_\_\_ is named executor in said will and is hereby designated to receive the will upon my death and that \_\_\_\_\_ whose address is \_\_\_\_\_ is named as alternate executor and is designated to receive the will upon my death and in the event my executor above named is unable to serve or receive the said will.

I agree that upon my death the Clerk of the Superior Court or the Superior Court Registrar is hereby authorized to open and inspect said will in order that any burial or other emergency provisions of said will may be carried out without delay in the event that either my executor or the alternate above named is not immediately available to receive the will.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Testator/Agent

I hereby acknowledge receipt of the above mentioned will for safekeeping. The acceptance of the will for safekeeping by the court in no way insures the validity of any provision contained in the will, nor does acceptance in any way enhance the force or effect of that will. The purpose of accepting the will is to provide a safe place for that legal document and to provide for the orderly administration of the decedent's estate.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Superior Court Clerk/Registrar

2. Assign a number to the will upon its deposit and shall maintain an alphabetical index to all wills on deposit.
3. Store the wills in a locked fireproof filing cabinet or safe which shall be maintained in the probate division of the superior court.
4. During the lifetime of the testator, allow the will to be viewed by or released only to the testator upon his showing of positive identification, or to the person to whom the testator has given the specific power in writing to receive or view the will, and who shall also be required to show positive identification. A conservator of the testator may examine the deposited will only after showing proper positive identification.

RULE 4

Acceptance of Wills  
For Safekeeping

The presiding superior court judge for each judicial district may designate in writing those persons within his judicial district who may accept, for transmittal purposes only, wills to be deposited with the court for safekeeping. The designated person shall require the depositor to execute the agreement, and he shall issue the receipt as set out in Rule No. 3, and shall forward immediately to the clerk of the superior court in his judicial district by certified or registered mail, the will and the fee for deposit, together with a copy of the agreement and receipt executed by him and the depositor.

RULE 5

Filing of Creditors' Claims

Claims of creditors against a decedent's estate must be filed with the clerk of the court in the judicial district wherein the estate is being administered, or delivered or mailed to the personal representative of the estate.

EFFECTIVE DATE: April 1, 1974

DATED: March 7, 1974.

Jay A. Rubinfeld  
Chief Justice

George H. Connor  
Justice

Robert C. Ewren  
Justice

Robert B. ...  
Justice

[Signature]  
Justice

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