



## ORIGINAL WILLS IN ERIE COUNTY SURROGATE'S COURT

1. **FILE A WILL FOR SAFEKEEPING** – To file an original will for safekeeping, the following must be completed:
  - a. The will must be enclosed and properly addressed. For an example of how to properly address a will envelope, please click [here](#).
    - i. If you plan to handwrite the will information on the envelope, please ensure you clearly print the information. If the handwriting is illegible, we will mail the original will back to you.
  - b. Drop off or mail the will to Erie County Surrogate's Court located at 92 Franklin Street – 2<sup>nd</sup> Floor, Buffalo, NY 14202.
  - c. It is suggested that you use a trackable mailing method to ensure the will is received by the Court.
  - d. Please provide an email address or a self-addressed stamped envelope for return of the will receipt to you.
  - e. For attorneys filing a large number of Wills, please see the attached notice.
  
2. **WITHDRAW A WILL FROM SAFEKEEPING** - You may request the withdrawal of your original will or you may authorize someone else to withdraw your will. Please know that you should include all prior addresses, especially your address at the time your original will was executed. The withdrawal form must be signed and notarized.
  - a. To Request the withdrawal of your will form, please click [here](#).
  - b. To Authorize someone else to withdraw your will, please click [here](#).
  
3. **TRANSFER A WILL TO ANOTHER COURT FOR PROBATE** – To transfer a will to another court to be probated, you must do the following:
  - a. An employee from the court where probate is intended must contact Chief Clerk Kathleen Downing, Esq. at [kdowning@nycourts.gov](mailto:kdowning@nycourts.gov) or Deputy Chief Clerk Jamila A. Lee, Esq. at [jalee@nycourts.gov](mailto:jalee@nycourts.gov) requesting that the original will be transferred to their court.
  - b. The attorney or self-represented litigant must provide proof of death and \$10.15 payable to the Erie County Surrogate's Court to transfer the will via registered mail. Payment may be made by bank check, money order, business/attorney check or credit card.

**NOTE:** Please know that our Court will not release original wills to attorneys or self-represented litigants who would like to petition to probate the will. The will must be transferred to the court where probated is intended.

07/07/21



# **Erie County Surrogate's Court Notice to Attorneys**

## **Filing Wills For Safekeeping**

In order to file 10 or more original wills for safekeeping, the Court requires the following:

- If the wills were executed more than 6 months ago, a verification that a search of our records has been conducted and that no estate proceeding involving the named testator has been commenced;
- The wills must be boxed and in alphabetical order;
- The wills must be accompanied by a list of the wills in alphabetical order;
- The testators' address stated on the sealed envelope is in Erie County.

Thank you.

Kathleen Downing, Esq.  
Chief Clerk

07/07/21

# Authorization for Withdrawal of Will

I hereby authorize \_\_\_\_\_ to withdraw my

LAST WILL AND TESTAMENT that is filed in your office for safekeeping.

Printed Name: \_\_\_\_\_

Prior Name: \_\_\_\_\_

Present Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

All Prior Addresses: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OR

Check here if there are no prior addresses

Signed: \_\_\_\_\_

State of New York        )  
                                  ) ss.:  
County of \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Sworn to before me this  
\_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

## Authorization for Withdrawal of Will

I hereby request my LAST WILL AND TESTAMENT that is filed in your office for safekeeping.

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Prior Name: \_\_\_\_\_

Present Address: \_\_\_\_\_

\_\_\_\_\_

All Prior Addresses: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone No.: \_\_\_\_\_

Sworn to before me this

\_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_

**You will be notified when your Will is ready to be picked up.  
You will be required to show proper identification. (Valid Driver's License or photo ID)**