



## 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. 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.
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 \$10.15 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 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.



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

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

- a verification that a search of our records has been conducted;
- that the wills are boxed in alphabetical order;
- the wills are accompanied by a list of the wills in alphabetical order;
- that no estate proceeding involving the named testators has been commenced; and
- that the testators' address stated on the sealed envelope is in Erie County.

Thank you.

Kathleen Downing, Esq.  
Chief Clerk