S T A T E O F N E W Y O R K

S. 240 A. 338

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary

AN ACT to amend the surrogate's court procedure act, in relation to establishing a registry of wills and codicils

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The surrogate's court procedure act is amended by adding a new section 2509 to read as follows:

S 2509. REGISTRY OF WILLS AND CODICILS

1. EACH COUNTY SHALL ESTABLISH AND MAINTAIN A REGISTRY OF WILLS AND CODICILS EXECUTED IN THE COUNTY FOR WHICH SUCH COURT HAS JURISDICTION. SUCH REGISTRY SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND SHALL INCLUDE THE FOLLOWING INFORMATION:

(A) THE NAME OF THE TESTATOR OR TESTATRIX;

(B) THE DATE ON WHICH SUCH WILL OR CODICIL WAS EXECUTED;

(C) IF A CODICIL, THE DATE OF EXECUTION OF THE WILL SUCH CODICIL AMENDS; AND

(D) THE PHYSICAL ADDRESS AT WHICH SUCH WILL OR CODICIL IS LOCATED.

2. UPON THE EXECUTION OF ANY WILL OR CODICIL, THE ATTORNEY FOR THE TESTATOR OR TESTATRIX SHALL, WITHIN TEN DAYS AFTER ITS EXECUTION, DELIVER TO THE COURT THE INFORMATION SET FORTH IN SUBDIVISION ONE OF THIS SECTION FOR INCLUSION IN THE REGISTRY OF WILLS AND CODICILS. SUCH INFORMATION MAY BE DELIVERED BY MAIL OR ELECTRONIC MEANS AND SHALL BE DELIVERED IN THE FOLLOWING FORM, OR SUBSTANTIALLY SIMILAR FORM:

"REGISTRY OF WILLS AND CODICILS
COUNTY OF (INSERT COUNTY OF TESTATOR/TESTATRIX RESIDENCE)

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD02066-01-9

NAME OF TESTATOR/TESTATRIX: (_____)
DATE WILL OR CODICIL WAS EXECUTED: (_____)
IF CODICIL, DATE OF ORIGINAL WILL: (_____)
PHYSICAL ADDRESS WHERE WILL (_____)
IS LOCATED; NO P.O. BOX: (_____)
(_____)"

3. THE COURT SHALL MAINTAIN THE FORMAT AND CONTENT OF SUCH REGISTRY ON A COMPUTERIZED DATA BASE WHICH SHALL BE UPDATED AT LEAST MONTHLY AND SHALL PROVIDE A METHOD FOR WHICH REGISTRY INFORMATION MAY BE DELIVERED TO THE COURT ELECTRONICALLY. THE COURT SHALL PROVIDE PUBLIC ACCESS TO SUCH COMPUTERIZED DATA BASE IN A MANNER THAT ALLOWS INDIVIDUALS TO SEARCH THE REGISTRY OF WILLS AND CODICILS BY NAME, DATE OR ADDRESS.

4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE ANY TESTATOR OR TESTATRIX TO FILE A WILL OR CODICIL UPON ITS EXECUTION.

5. NO WILL OR CODICIL SHALL BE DEEMED NULL, VOID OR OTHERWISE WITHOUT EFFECT DUE TO NONCOMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.