

Orlando Sentinel

ASK A LAWYER

Where there's a will, here there's a won't

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Question:

My mother, who was living in New York, passed away about two years ago. She made my sister executor of her will.

My sister has refused to share the contents of the will with my brother and me, and we don't know what lawyer prepared it. What can we do to obtain a copy of my mother's will?

D.C.

Orlando



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Answer:

Each state has its own laws regarding wills, which means you will need to contact a New York lawyer for more advice.

However, if this were a Florida resident's will, the person possessing the original will has a legal obligation to deposit it with the local clerk of court within 10 days of learning that the maker of the will has died. The will is then a public record that can be viewed by any interested party.

If a person holding a Florida will refuses, or otherwise fails to file the will with the appropriate clerk of court, you can file a petition with the probate court to compel the filing of the will. The person who refused to file the will may be forced to pay the petitioner's attorney's fees and costs if the court finds "no just or reasonable cause" to excuse that person's failure to deposit the will.