

Information & Instructions: Application to open safety deposit box and examine papers

PREVIEW

1. This application is filed to obtain entry into the decedent's safe deposit box which may contain the decedent's last will and other important papers.

2. Upon notification of the death of the owner of a safety box, the bank or financial institution will not permit access to the box without a court order. The application is required to obtain the necessary court authority to open the safe deposit box and examine its contents.

3. Procedure

a. Complete the application.

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Submit the application to the court.

c. Attend the hearing on the matter.

d. Have the court sign the attached order.

e. Obtain a certified copy of the order.

f. Present the order to the bank or financial institution where the safe deposit box is located.

4. Statutory Update

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a. The practitioner should read Senate Bill No. 206 relating to access to jointly held safety-deposit boxes for the amendments to Article 6, Chapter 9 of the Texas Banking Code, 1943; Article 342-906, Texas Civil Statutes.

b. The death of one holder of a jointly held safety-deposit box does not affect the right of any other holder of the box to have access to and to remove the contents from the box, provided an inventory of the contents in the box is taken by an officer of the bank and verified by the lessee removing the contents.

c. The bank must retain the inventory list for at least two (2) years.

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Form: Application to open safety deposit box and examine papers

PREVIEW

NO. _____

IN THE ESTATE OF

IN THE [PROBATE] COURT

[NAME],

NO; _____

DECEASED

[NAME], COUNTY, TEXAS

APPLICATION TO OPEN SAFETY DEPOSIT BOX AND EXAMINE PAPERS

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[Applicant's name], Applicant, a resident of _____ County, Texas, respectfully requests

the Court for authorization to examine the papers of [name of decedent], Decedent, which may be in the possession of [name of financial institution or party in possession of papers of the Estate].

1. [Name of decedent], Decedent, died in [County], on [Date].

THIS DOCUMENT

2. This Court has jurisdiction and venue of the Estate of Decedent.

3. Decedent leased a safe deposit box from [name of bank or financial institution], Respondent.

4. Applicant has reason to believe that the safe deposit may contain Decedent's Will, Deeds to property, Deed to a burial plot, insurance policies, or other important papers necessary to handle Decedent's Estate.

THANK YOU

[If Applicable] [Name] has in its possession and under it's control, papers or property of said decedent and of whose Estate the Probate Court [Number] of [County], Texas has jurisdiction and said papers should be delivered to the beneficiary or beneficiaries thereof.

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[If Applicable] Such papers may contain the will of the decedent or policies of insurance on the decedents life payable to named beneficiaries for other important papers of the Estate which may

PREVIEW

be necessary for probate or for the administration of the Estate.

PRAYER

Applicant prays that this Honorable Court make an order pursuant to Section 36(B),(C),(D),(E),(F) of the Texas Probate Code ordering the named Respondent to permit Applicant to examine the papers and the contents of that safe deposit box in the presence of a duly authorized representative of the Court, or representative of the Comptroller's Office for the State of Texas, and an officer of the Respondent and to deliver the Last Will and Testament, if any, to the Clerk of Probate Court [Number] of [County], Texas and the insurance policies, if any, to the named beneficiary or beneficiaries.

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Respectfully Submitted,

THIS DOCUMENT

[Law Firm Name]

By _____

[Attorney's Name]

Attorney for Applicant

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

THANK YOU

Applicant

Name & Address

State of Texas
County of _____

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Subscribed and sworn to before me on _____ by _____

PREVIEW

Signature of officer

Notary's typed or printed name

My commission expires:

PLEASE DO NOT COPY [or Notary's stamp]

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Form: Order granting authority to open a safe deposit box and examine papers

PREVIEW

NO. _____

IN THE ESTATE OF

IN THE [PROBATE] COURT

[NAME],

NO; _____

DECEASED

[NAME], COUNTY, TEXAS

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On this date, the Court heard the application of [Name] hereinafter called Applicant,

relating to the above numbered and styled docket.

After reviewing the application and hearing the evidence in support thereof and it appearing that the facts stated therein are true and correct, the Court finds:

That [Name] is granted authority to examine the papers of [Name], Deceased, that may be in the possession of a safe deposit box that may be leased from [Bank], and that [Name] may examine the contents of the box and all papers therein in the presence of a duly authorized representative of the [Bank].

If there shall be found among such papers or in such box any Will of the Decedent or any policies of insurance on Decedent's life payable to a named beneficiary or beneficiaries, [Bank] and the persons examining said papers pursuant to the terms hereof are hereby directed to

deliver any and all Wills, Codicils, Trust instruments, insurance policies and any other papers or documents in the safe deposit box to the Clerk of the Probate Court No. _____ of _____

County, Texas.

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Signed on _____.

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