

# Suggestions for Where to Keep Legal Documents

from Steve Little, Estate Planning Attorney, Marion, North Carolina

## 1. Last Will and Testament:

**Keep the original in the place where you keep your important documents.** It is OK to keep the original in a safety deposit box. Use careful judgment in deciding whether to give a copy to children, since you have the legal right to modify your Will whenever you feel it is appropriate to do so. If children know about versions different from your final Will, it could lead to disputes.

## 2. Health Care Power of Attorney:

**Give the original to the person you designate as your “health care agent.”** Keep a copy for yourself wherever you keep your important papers. Place a copy in your suitcase when you travel, and keep a copy in the glove box of your automobile. It is a good idea for each alternate “health care agent” to either have a copy or know where you keep the original. Your primary doctor should also have a copy.

## 3. Living Will (“Declaration of a Desire for a Natural Death”):

**Keep the original in the place where you keep your important documents, but NOT in a bank safety deposit box.** Your primary doctor should have a copy. It is also a good idea for each of your children to either have a copy or know where you keep the original.

## 4. Durable Power of Attorney:

**Give the original to the person you designate as your “attorney-in-fact.”** If you don’t want to actually deliver the document yet, by all means do NOT put the original of this document in a safety deposit box, UNLESS you have already recorded the original in the office of the Register of Deeds of the county where you live. **The original does not have to be recorded until it becomes necessary for it to be used, but it must be recorded at the Register of Deeds before it can be used.**

## 5. Written Funeral Plans:

**Keep your written funeral plans wherever you keep your important documents, but NOT in a bank safety deposit box.** Make sure you tell your spouse and your children that you have written down these plans. It won’t do any good if your family discovers or finally locates this document after your service!