

Rule 5.3425. Search of Safe Deposit Box

(a) Petition for Order Authorizing Search. The petition for an order authorizing the search of a safe deposit box leased or co-leased by a decedent must be verified and must contain:

- (1) The petitioner's name, address, and interest, if any, in the estate;
- (2) The decedent's name, address, date and place of death, and state and county of domicile;
- (3) A description of the safe deposit box leased by the decedent and, if known, the name of any co-lessee;
- (4) The name and address of the institution where the safe deposit box is located; and
- (5) A statement that the petitioner believes that the decedent may have left in the safe deposit box one or more of the following:
 - (A) A will or codicil of the decedent, or a writing described in section 732.515 of the Code;
 - (B) A deed to a burial plot;
 - (C) A writing giving burial instructions; or
 - (D) Insurance policies on the life of the decedent.

(b) Order. If the Court determines that the petitioner is entitled to an order authorizing a search of the decedent's safe deposit box, it must enter an order

- (1) authorizing the petitioner to open the safe deposit box in the presence of an officer of the lessor and, if requested by the petitioner, to remove and deliver
 - (A) to the court having probate jurisdiction in the county where the lessor is located any writing purporting to be a will or codicil of the decedent and any writing purporting to identify devises of tangible property;
 - (B) to the petitioner, any writing purporting to be a deed to a burial plot to give burial instructions; and
 - (C) to the beneficiary named therein, any document purporting to be an insurance policy on the life of the decedent.

(2) directing the officer of the lessor to make a complete copy of any document removed and delivered pursuant to the court order, together with a memorandum of delivery identifying the name of the officer, the person to whom the document was delivered, and the date of delivery, to be placed in the safe deposit box leased or co-leased by the decedent.