
CALIFORNIA SAFE DEPOSIT BOX ACCESS

Suggestion: If there is any danger of a will or trust contest, or a conflict between executor, trustee, family or beneficiaries, DO NOT go to safe deposit box without the involvement of an attorney experienced with estate administration.

OWNER(S) DECEASED:

California Probate Code Section 331 authorizes a person who has the key to a safe deposit box of a deceased person to have access to the box, even before any action has been taken with the probate court. The financial institution shall first obtain proof of the decedent's death and reasonable proof of the identity of the person seeking access. The person may then:

- Open the box (under the supervision of an officer or employee of the financial institution),
- Make an inventory of the contents,
- Remove instructions for disposition of the decedent's remains, and
- After copies have been made and placed in the box, remove wills and trust instruments.

Except for disposition instructions, wills and trust instruments, no other contents shall be removed under these provisions. The person shall deliver all wills found in the box to the clerk of the superior court, and mail or deliver a copy to the person named as personal representative.

SURVIVING CO-OWNER:

Surviving Co-Owners have the right to access, as provided in their agreements with the financial institution. When accessing a safe deposit box after the death of a co-owner:

- At least two people should be present at the first opening, and should make an inventory of the contents in detail on letter size paper, with both persons signing and dating the paper.
- After copies have been made and placed in the box, remove documents as needed.

All information herein is for general information only and should not be construed as legal advice or legal opinion. You are urged to consult with your own attorney on any specific legal questions you may have.

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