



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2948

Introduced 2/1/2012, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

755 ILCS 15/1

from Ch. 17, par. 1501

755 ILCS 15/5 new

Amends the Safe Deposit Box Opening Act. Provides that a public administrator may gain access to a decedent's safe deposit box by delivering to the lessor his or her letters of office or an affidavit stating that he or she is conducting a preliminary investigation of the decedent's estate and believes that the safety deposit box may contain assets and estate information. Provides that with letters of office the public administrator may remove the contents from the safety deposit box, but without letters of office only an inventory may be conducted. Provides that the lessor shall open the box for a public administrator with an affidavit regardless of whether the decedent's key or combination is available. Makes other changes.

LRB097 14726 AJO 59725 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Safety Deposit Box Opening Act is amended by  
5 changing Section 1 and by adding Section 5 as follows:

6 (755 ILCS 15/1) (from Ch. 17, par. 1501)

7 Sec. 1. Upon being furnished with satisfactory proof of  
8 death of a sole lessee or the last surviving co-lessee of a  
9 safe deposit box, the lessor shall open the box and examine the  
10 contents in the presence of a person who presents himself and  
11 furnishes an affidavit which states that (a) he is interested  
12 in the filing of the lessee's will or in the arrangements for  
13 his burial, (b) he believes the box may contain the will or  
14 burial documents of the lessee and (c) he is an interested  
15 person within the meaning of this Act. The lessor shall not  
16 open the box in accordance with this Act if the lessor has  
17 received a copy of letters of office of the representative of  
18 the deceased lessee's estate or other applicable court order.  
19 The lessor need not open the box if (a) the box has previously  
20 been opened in accordance with this Act, (b) the lessor has  
21 received notice of a written or oral objection from any person  
22 or has reason to believe that there would be an objection, or  
23 (c) the lessee's key or combination is not available.

1 For purposes of this Section Act, the term "interested  
2 person" means any person who immediately prior to the death of  
3 the lessee had the right of access to the box as a deputy, any  
4 person named as executor in a copy furnished by him of a  
5 purported will of the lessee, or the spouse, an adult  
6 descendant, parent, brother or sister of the lessee. If the  
7 affidavit states that none of the persons described above is  
8 available to be present at the opening of the box, the term  
9 "interested person" also means any other person who the lessor  
10 in its sole discretion determines may have a legitimate  
11 interest in the filing of the lessee's will or in the  
12 arrangements for his burial.

13 For purposes of this Section, the ~~The~~ lessor shall remove  
14 any document which appears to be a will or codicil and deliver  
15 it to the clerk of the circuit court for the county in which  
16 the lessee resided immediately prior to his or her death, if  
17 known to the lessor, otherwise to the clerk of the circuit  
18 court for the county in which the safe deposit box is located.  
19 Delivery of a will or codicil called for herein may be made by  
20 registered mail sent to the clerk of the said court. The lessor  
21 may remove any burial documents and deliver them to the  
22 interested person. No other contents may be removed pursuant to  
23 this Section Act.

24 The lessor is not required to look into the truth of any  
25 statement in the affidavit required to be furnished under  
26 ~~section one of this~~ Section Act. The lessor's determination of

1 the fact situations to be met under this Section ~~act~~ shall be  
2 conclusive and final. The lessor shall be fully protected in  
3 relying conclusively on it.

4 (Source: P.A. 83-642.)

5 (755 ILCS 15/5 new)

6 Sec. 5. Public administrator; opening safety deposit box.

7 (a) In cases involving a public administrator in this  
8 State, in which the public administrator has yet to determine  
9 in his official capacity whether administration of the lessee's  
10 estate is warranted under this Act the public administrator  
11 shall execute and furnish to the lessor an affidavit stating:  
12 (1) The public administrator, in his official capacity, is  
13 conducting a preliminary investigation and inventory of the  
14 decedent lessee's estate; (2) The public administrator, as of  
15 the date of the affidavit, has not yet been able to obtain  
16 sufficient assets and estate information to warrant the  
17 representation and administration of the decedent lessee's  
18 estate; and (3) The public administrator reasonably believes  
19 that the decedent lessee's safety deposit box may contain such  
20 assets and estate information which may provide sufficient  
21 grounds for the administration of the estate. Upon receipt of  
22 the public administrator's affidavit, the lessor shall open the  
23 lessee's box and shall permit the public administrator, in the  
24 presence of the lessor, to examine and catalogue the contents  
25 of the box. During the course of the examination, the public

1 administrator will not be able to remove any contents from the  
2 box, without first presenting to the lessor a copy of letters  
3 of office issued to him in representation of the lessee's  
4 estate.

5 (b) In cases involving a public administrator in this  
6 State, in which the public administrator has been issued  
7 letters of office, the public administrator shall provide a  
8 copy of such letters of office to the lessor and the lessor  
9 shall, upon receipt of such copy from the public administrator,  
10 open the lessee's box for examination of its contents by the  
11 public administrator. The public administrator shall be  
12 permitted to remove any such items in the box he properly deems  
13 to be an asset of value of the estate which need to be secured  
14 and held by the public administrator in his official duties as  
15 the administrator of the lessee's estate. For purposes of this  
16 Section, the lessor shall open the box for such public  
17 administrator who presents an affidavit in accordance with the  
18 provisions of this Section regardless of whether the decedent  
19 lessee's key or combination is available.