

## Testamentary Letters No Longer Required As Prerequisite For Executors' Authority To Act Under A Last Will

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### An McV Trust & Estates Alert

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Act 219-2024 eliminated the requirement of Testamentary Letters issued to executors to act as such and adopted a process which allows the executor to perform its duties without the delays and expense of a court action.

Instead, rather than petitioning the Court of First Instance to issue the Letters, the executor must deliver to the notary of the Last Will:

- Sworn declaration or deed accepting to comply to the best of his or her abilities, the obligations as Executor;
- If a bond is required, certification in acceptance that the process to secure the bond has been initiated; and
- Certification of Last Will issued by the Office of the Director of Notarial Inspection ("ODIN").

Upon receipt, the notary will issue to the executor a certified copy of the Deed of Last Will together with the acceptance and said certified copy will be sufficient to evidence the Executor's authority to exercise his or her duties and functions.

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