

Seventh-day  
Adventist<sup>®</sup> Church

GENERAL CONFERENCE  
WORLD HEADQUARTERS



OFFICE OF GENERAL COUNSEL

**TO: SCOT COPPOCK**

**FROM: O RICHARD CALDWELL** *ORC*

**DATE: JANUARY 12, 2022**

**RE: ACCREDITATION STANDARD NO. 18  
DETERMINATION OF INVALID WILL**

You have requested my opinion regarding compliance with Accreditation Standard No. 18 that requires:

To consider a will no longer valid documentation must be in the file approved by legal counsel who is authorized to practice in the applicable jurisdiction.

There are several ways to determine that a will is no longer valid:

1. A letter signed by the testator (original or electronic signature) stating that the will is no longer valid due to the creation of a new will, revocation of the will in the file, or some other reason should be required. Also, the testator should be contacted by telephone or in person to determine the validity of the signature. A telephone conversation or an in-person visit could be conducted by a General Conference Planned Giving & Trust Services (GC PGTS) representative or their employee, agent, or affiliate. There should be a memo in the file summarizing any telephone call or personal visit.
2. A letter signed by the testator's Attorney-in-Fact (either original or electronic signature) along with a copy of appropriate documentary evidence of the individual's identity (e.g., driver's license or passport); documentation that the individual is currently serving as Attorney-in-Fact for the Principal; and a copy of the Power of Attorney document verifying that the Principal has expressly granted the Attorney-in-Fact the power to make that determination. It is possible, but highly unlikely, that a Power of Attorney document would grant such a power. Also, the individual should be contacted by telephone or in person to determine the validity of the individual's signature. A telephone conversation or an in-person visit could be conducted by a GC PGTS representative or their employee, agent, or

- affiliate. There should be a memo in the file summarizing any telephone call or personal visit.
3. A letter from an executor/personal representative stating that the testator has died, and the court has admitted a later-created will for probate, along with appropriate documentary evidence that the individual has been appointed by the court as executor/personal representative for the testator's probate estate.
  4. If a testator cannot be located and there has been no communication with the testator for several years, I recommend that you should not consider the will invalid. Rather, notes should be placed in the file documenting unsuccessful actions that have been taken to locate the individual (e.g., telephone calls; letters; emails; and inquiries to relevant individuals, such as family, known friends; and church pastors, without divulging any confidential information). In my opinion, the will should then be moved to an inactive file without declaring the will invalid. It is always possible that the testator or an executor/personal representative could come forward at some later time who might need a copy of the will. If at some point, it is determined that the testator has deceased and a later-created will has been submitted for probate, it would then be appropriate to document the situation in the file and consider the will invalid. The file would then be considered closed out.
  5. It is possible that some other method of determining that a will is no longer valid could be acceptable. That determination should be made in consultation with legal counsel and based on the facts and circumstances of the situation.

I hope these comments adequately address your needs. Please let me know if you have any questions or if there is anything further I can do to assist with this matter.