



Poland

Safekeeping of wills and locating wills

→ What are the main forms of wills in Poland?

* **public wills**, executed before a notary;

* **holographic wills**, written and signed by the testator in his or her own hand; the date is only necessary in case of doubts concerning the testator's competency or the content of the will. Moreover, when several wills contain cross-references, the date is also necessary;

* **ordinary wills** consist of an oral declaration of the last wishes made before a representative of the local authorities in the presence of two witnesses; a record of this declaration is drawn up and signed by the testator, the representative of the local authorities and the two witnesses.

→ Does a register of wills exist in Poland?

No, as yet there is no register of wills in Poland.

Important

These questions and answers are a source of general information, up-to-date on 28 April 2011. In the event of specific difficulties, please consult a civil law notary. Practical sheet realized by ENRWA with the participation of the European Commission and of the Notaries of Europe.





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I. Safekeeping of wills

→ Why file your will?

It is possible that a will not found may not be executed if its existence does not come to light during the legal or notarial settlement of the succession.

It is not compulsory to file a will. Every will found after the death of the testator may be valid.

However, you are advised to draw up a will before a notary who is required to file the originals of all notarial deeds. The notary may draw up several extracts of notarial deeds, which have the same legal standing as the originals. This is a safeguard against the risk of a will being lost or destroyed, which is a risk that exists for other forms of wills.

In addition, a will executed before a notary is less likely to be invalidated on the grounds of a lack of consent by the testator or because the content of the will is contrary to legal provisions.

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→ Where is the will kept?

More often than not wills are kept by the heirs, and in the case of an ordinary will, by the body that drew it up. All forms of wills not executed before a notary may be filed with a notary for safekeeping. However, this does not increase the probability of the will being located quickly, because of the absence of a register of wills and the territorial competence of notaries.

II. Locating a will

→ How can you locate the will of a family member?

In the absence of a register, testators are advised to disclose the existence and location of their will to their heirs, the executor or any trustworthy person who will probably be informed rapidly in the event of the testator's death. Otherwise, a search can be made at the deceased's home, or by contacting the testator's notary or any party with whom the testator might have drawn up or filed a will, including the local authorities. It is also possible to request the courts to order the appropriate individual to draw up a declaration concerning the existence of a will and the location where it is filed.

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