



Germany

## Registering and searching for wills

→ What are the main forms of will under German law?

The **notarial will and testament and the inheritance contract** drawn up by a notary.

The **holographic will**, written, dated and signed by the testator.

→ Is there a Register of Wills in Germany?

Yes, there is a Central Register of Wills for Germany, run by the Federal Chamber of Notaries in Berlin ("*Bundesnotarkammer*"). Entries and searches are executed electronically by German civil law notaries and law courts.

**N.B.**

These questions and answers constitute a general source of information, up to date as of 1 May 2012. In the event of a particular difficulty, consult a civil law notary. Practical sheet realized by ENRWA with the participation of the European Commission and the Notaries of Europe.





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## I. The registration of a will

### → Which wills are recorded?

Entries include inheritance contracts, notarial testaments and other documents of a kind likely to influence inheritance such as, for instance, agreements of waiver of right of inheritance and certain marriage contracts and choice of law clauses. Holographic wills may be registered only if placed in a special secure place in the court.

### → What data are stored?

Only data for safekeeping purposes are stored, not the contents of the wills. The Register of Wills therefore records only where the testator is located and where his or her inheritance documents are kept.

### → Why register a will?

The registration of notarial or officially kept documents of a kind likely to influence inheritance is obligatory.

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### → Who can carry out the registration?

Registration is effected only by the German civil law notary having drawn up the will or, as the case may be, by the court at which the holographic will was deposited for safekeeping. Privately kept wills on the other hand cannot be recorded at all; this also applies to wills kept abroad.

### → Where is the will kept?

Wills are deposited at the court. Inheritance contracts may be kept either by a civil law notary or by the court. All other documents concerning inheritance are kept exclusively by the civil law notary.

### → Do the testator's relatives have the right of perusal of the register while he/she is still alive?

**No, the existence of the will and its contents shall remain a secret during the testator's lifetime.**

### → How much does it cost to register a will?

Recording a will costs **15 Euros** if the fee is charged by a civil law notary or by the court, or **18 Euros** if the Registry must charge the costs directly to the testator.

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## II. The search for the wills

### → Who is entitled to query the Register of Wills?

German civil law notaries and law courts may query the Register of Wills.

### → How does the Register react to death?

All deaths in Germany are reported to the Register of Wills. There is an official investigation to establish whether an entry of a will exists. If so, the Federal Chamber of Notaries will notify the office or agency keeping the document and the competent probate court accordingly.

### → How much does a will search cost?

It is free of charge.

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