



Austria

Registering and searching for wills

→ What are the principal forms of will in Austria?

- * the **authentic will**, drawn up by a civil law notary.
- * the **holographic will**, written, dated and signed by the testator himself.
- * the **allographic will**, written by the testator or by someone else and signed by the testator and three witnesses.

→ Does a register of wills exist in Austria?

Yes, a register of wills exists which is administered by the Austrian Notariat. The register is kept electronically.

I. The registration of a will

→ Why register a will?

All wills are not necessarily recorded in the register (for example, a holographic will can be kept at home). However, **a will which is not found is deemed to be a non-existent will.**

N.B.

These questions and answers constitute a general source of information, up to date as of March 19, 2010. In the event of a particular difficulty, consult a civil law notary.



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This is why **it is recommended that the will is recorded in the register**. In this way, the testator can be sure that his last wishes will be found and therefore respected following his death.

→ Who can carry out the registration?

The civil law notary, the judge or the lawyer can register wills. In effect, although it is possible to draft a will oneself, the assistance of a professional and in particular a civil law notary shall be particularly valuable since he is a specialist in the matter. His advice shall thus enable to draw up a will which respects the law and which therefore does not run the risk of being declared null and void.

It is not the content of the will which is registered in the register but the information which enables the will to be found.

→ Who keeps the will?

The civil law notary, the judge or the lawyer are in charge of keeping the wills which the testators have confided to them.

→ Can the testator's family members consult the register while he is still alive?

No, the existence of a will and its content shall remain a secret during the entire life of the testator.

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II. The search for the wills

→ Who may query the register of wills?

Upon the death of the testator, a civil law notary shall be appointed by the court as “judicial commissioner” in order to carry out succession proceedings. This “judicial commissioner” shall be the only one who may query the register of wills. **Such query is carried out systematically** in order to ensure the respect of the last wishes of the testator.

→ Is it necessary to provide a death certificate?

It is not necessary to provide a death certificate. The opening of succession proceedings by the court enables to ensure that **the existence of the will remains secret during the testator’s life.**

→ How much does a search cost?

A search in the Austrian register is free of charge.

N.B.

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