



Hungary

Registering and searching for wills

→ What are the principal forms of will in Hungary?

- * the **authentic will**, drawn up by a civil law notary or by a judge.
- * the **holographic will**, written, dated and signed by the testator himself.
- * the **allographic (or “before witnesses”) will**, signed by the testator in the presence of two witnesses.
- * the **will deposited with a civil law notary**, placed in a sealed or unsealed envelope.
- * the **inheritance contract**, concluded by the testator who undertakes to name the party concluding the contract with him as heir in consideration of maintenance or a life annuity.
- * the **donation due to death** is a type of special donation with ownership rights being transferred upon the death of the donor.
- * the **oral will** made under extraordinary circumstances which threaten the life of the testator who is unable to make a written will or can only do so with considerable difficulty.

→ Does a register of wills exist in Hungary?

Yes, there are two: a register administered by the lawyers and a register administered by the civil law notaries. In the latter, wills are registered and searched electronically.

N.B.

These questions and answers constitute a general source of information, up to date as of May 1, 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 of the Notaries of Europe.





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I. The registration of a will

→ Why register a will?

It is not mandatory to record wills in a register, except for wills which are drawn up by or deposited with a civil law notary. However, **a will which is not found is deemed to be a non-existent will.**

This is why **it is recommended that wills are 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?

Citizens may request several types of law professionals to record their will in the register: civil law notaries, judges, lawyers or, for Hungarian nationals located abroad, consulates.

The registration procedure varies according to the type of professional involved: civil law notaries perform registrations electronically whereas the others do so by completing printed forms.

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

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→ Who keeps the will?

Wills are kept by the professional with whom they have been deposited.

→ 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.

→ How much does it cost to register a will?

Registration of a will in the register is free of charge.

II. Searching for wills

→ Who may query the register of wills?

The register may only be queried by the civil law notary in charge of the succession proceedings and by the archives of the Hungarian Chamber of Civil Law Notaries. **This query is obligatory as it ensures** that the last wishes of the testator are respected. This obligation only concerns the register administered by the Notariat.

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→ Is it necessary to provide a death certificate?

Yes, the deceased's family must provide a death certificate. This measure enables to ensure that the existence of the will remains secret throughout the testator's life.

→ How much does a search cost?

The search in the register is free of charge.

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