



Italy

## Registering and searching for wills

→ What are the principal forms of will in Italy?

- \* the **authentic will**, drawn up by a civil law notary.
- \* the **holographic will**, written, dated and signed by the testator himself.
- \* the **sealed will**, placed in a sealed envelope and handed over to a civil law notary.
- \* the **international will**, signed before two witnesses and a civil law notary.

→ Does a register of wills exist in Italy?

**Yes**, there are two: a register of wills administered by the Ministry of Justice and a register of successions administered by the Italian courts. The registration and search of wills is performed electronically in both registers.

**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. However, **a will which is not found is deemed to be a non-existent will.**

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 carries out the registration of wills. In effect, although it is possible to draw up a will oneself, the assistance of a notary is 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 recorded in the register but the information which enables it to be found.**

### → Who keeps the will?

The civil law notary is in charge of keeping the authentic, sealed, international and holographic wills confided to him by the testator.

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→ 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?

The registration of a will costs **14.80€** to which 43.86€ of stamp duty is to be added.

## II. The search for the wills

→ Who may query the register of wills?

Upon the death of the testator, his family can consult the register of wills and the register of successions themselves or through a law professional (civil law notary, judge, lawyer). **This query is not obligatory but it is however recommended** because it ensures that the last wishes of the testator are respected.

→ Is it necessary to provide a death certificate?

Yes, the testator's family must provide a death certificate in order to be able to carry out a search. This measure enables to ensure that the existence of the will remains secret during the testator's life.

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### → How much does a search cost?

Searches in the Italian registers cost **20€**.

If it is possible that the deceased has left a will in another country, it is also recommended that the foreign registers are queried. These queries shall cost **28€** per register queried.

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