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# Deposit disposition of death (e.g. will) with the probate court

Heruntergeladen am 28.06.2025

<https://fimportal.de/xzufi-services/117133812/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99046018089000, 99046018089000
Leistungsbezeichnung I	Deposit disposition of death (e.g. will) with the probate court
Leistungsbezeichnung II	Special official custody of a disposition of property upon death (e.g. will)
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Verwahrung (089)
SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften

Modul	Sachverhalt
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	06.07.2021
Fachlich freigegeben durch	Ref. II 3, JM NRW Ministry of Justice Mecklenburg-Western Pomerania
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/bgb/_2248.html">https://www.gesetze-im-internet.de/bgb/_2248.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_344.html">https://www.gesetze-im-internet.de/famfg/_344.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_344.html">https://www.gesetze-im-internet.de/famfg/_344.html</a> <a href="https://www.gesetze-im-internet.de/bgb/_2248.html">https://www.gesetze-im-internet.de/bgb/_2248.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_344.html">https://www.gesetze-im-internet.de/famfg/_344.html</a> <a href="https://www.gesetze-im-internet.de/famfg/_344.html">https://www.gesetze-im-internet.de/famfg/_344.html</a>
Teaser	A disposition of property upon death, e.g. a will, is deposited with the local court during one's lifetime and kept there so that it can be found in the event of death.
Volltext	If you want to ensure that your testamentary disposition (e.g. your handwritten will) is found and opened in the event of inheritance, you can place it in special official custody. Special official custody at the court also protects your will from forgery or loss. The deposit of a will is also recorded in the Central Register of Wills.
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• Birth certificate</li> <li>• Identity card</li> <li>• The disposition of death to be deposited</li> </ul>
Voraussetzungen	<ul style="list-style-type: none"> <li>• Request by the testator that his or her disposition of property upon death be taken into special official custody (as a rule, it is advisable to appear in person at the probate court; however, a written request or representation is also possible).</li> <li>• If the disposition of property upon death was drawn up before a notary public, the notary public will generally take the necessary steps.</li> <li>• Referral to the competent probate court, § 344 FamFG.</li> <li>• Proof of identity by presentation of identity card and birth certificate.</li> <li>• Presentation of the testamentary disposition to be</li> </ul>

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	deposited.
Kosten	<p>Fee for the deposit: 75,- EUR</p> <p>Fee of the Federal Chamber of Notaries for registration in the Central Register of Wills: 18,- EUR.</p>
Verfahrensablauf	<p>If you wish to file a disposition of property upon death yourself, it is advisable to proceed as follows:</p> <ul style="list-style-type: none"> <li>• Please contact the probate court that has jurisdiction over you and make an appointment.</li> <li>• In addition to the disposition of property upon death, please also bring your birth certificate and your identity card to the appointment.</li> <li>• After the deposit has been made, you will receive a certificate of deposit as proof that the deposit has been made.</li> <li>• Later you will receive an invoice for court costs.</li> </ul>
Bearbeitungsdauer	Usually the matter is settled at the first appearance.
Frist	none
weiterführende Informationen	
Hinweise	In certain cases, special official custody is also arranged by a third party if you so wish, e.g. when drawing up a notarial will or inheritance contract. In this case, the notary will ensure that the document is placed in special official custody.
Rechtsbehelf	<p>If official custody is refused, the Rechtspfleger decides by order, section 38 FamFG. The testator requesting custody may lodge an appeal against the refusal for a limited period, sections 58 et seq., 63 FamFG, 11 RPflG.</p> <p>If under state law a clerk of the court was functionally responsible instead of the Rechtspfleger, a reminder must be lodged by analogy with section 573 of the Code of Civil Procedure.</p>
Kurztext	<ul style="list-style-type: none"> <li>• Custody of a will</li> <li>• A disposition of property upon death (e.g. a will or a contract of inheritance) is deposited with the local</li> </ul>

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court during one's lifetime.

- If the will is a notarial deed, the notary will usually make the necessary arrangements. If, on the other hand, it is a privately written will, the testator must act himself.
- In this way, the testamentary disposition can be found quickly in the event of death.
- Deposition also protects against forgery and loss.
- The testator receives a certificate of deposit for this purpose.
- The disposition of death is kept in a safe at the local court.
- A custody record is kept of the dispositions of death that are in special official custody.
- A report is also made in the Central Register of Wills. This ensures that the competent probate court learns of the existence of the disposition of property upon death in a timely manner and that it can be taken into account there.

**Ansprechpunkt**

The competent local court in each case pursuant to section 344 FamFG shall have jurisdiction.

**Zuständige Stelle**

The competent local court is the one with jurisdiction pursuant to § 344 FamFG.

**Formulare**

Forms required: No

Online procedure possible: No

Written form necessary: No

Personal appearance required: No. You may be represented or submit the application in writing. However, to avoid further inquiries, the personal appearance is recommended. If you have drawn up the testamentary disposition with a notary public, he or she will usually make the necessary arrangements.

**Ursprungsportal**

Verfügung von Todes wegen (z.B. Testament) beim Nachlassgericht hinterlegen , Deposit disposition of death (e.g. will) with the probate court, Special official custody of a disposition of property upon death (e.g. will)