

99046018090000, 99046018090000

Requesting the return of an officially deposited disposition of property upon death (e.g. will)

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/423099148/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99046018090000, 99046018090000
Leistungsbezeichnung I	Requesting the return of an officially deposited disposition of property upon death (e.g. will)
Leistungsbezeichnung II	Requesting the return of an officially deposited disposition of property upon death (e.g. will)
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Rückgabe (090)

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SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Erbschaft, Nachlass und Testament (1190200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	31.03.2021
Fachlich freigegeben durch	Lower Saxony Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_2256.html https://www.gesetze-im-internet.de/famfg/ https://www.gesetze-im-internet.de/beurkg/_34a.html
Teaser	Revoke a disposition upon death (e.g. a will or a contract of inheritance) from special official custody.
Volltext	<p>You can request the return of your will from special official custody at any time. You can also reclaim an inheritance contract containing dispositions upon death from the special official or notarial custody.</p> <p>The will may only be returned to you personally.</p> <p>A joint will may only be returned to both spouses or partners.</p> <p>An inheritance contract may only be returned to all parties to the contract jointly.</p> <p>Your notarized will or contract of inheritance is deemed revoked when you receive it back from the official depository. A note to this effect will be made on the will or inheritance contract.</p> <ul style="list-style-type: none"> • The return of a handwritten will does not have this effect; it is not considered revoked.
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Identity card or passport with registration certificate • Certificate of deposit, if applicable
Voraussetzungen	<ul style="list-style-type: none"> • You are the testator. • You have testamentary capacity. This means that You

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	<p>are at least 16 years old and legally competent.</p> <ul style="list-style-type: none"> • The will may only be returned to you personally. • A joint will may only be returned to both spouses. <p>This also applies to joint wills of registered civil partners.</p> <p>An inheritance contract can only be returned to all parties to the contract jointly.</p>
Kosten	<p>No costs are incurred.</p> <p>Exception: A fee is charged for the withdrawal of an inheritance contract from notarial custody, the amount of which depends on the value of the assets that are the subject of the inheritance contract.</p>
Verfahrensablauf	<p>If you wish to withdraw a disposition upon death from special official custody, it is advisable to proceed as follows:</p> <ul style="list-style-type: none"> • Please contact the probate court responsible for you and make an appointment. • If you have testified jointly, all testators must submit the application and also accept the disposition upon death jointly. This also applies mutatis mutandis if you have concluded an inheritance contract. Then all contracting parties must submit the application. • Please bring your identity card and, if available, the deposit slip with you to the appointment. • In the event of the return of the disposition upon death, the judicial officer may be responsible for the order. Your testability is checked. This is because, under certain circumstances, the withdrawal from official custody also has the effect of revoking the deposited disposition upon death. • The court reports the return to the Central Register of Wills.
Bearbeitungsdauer	The matter is normally settled at the first appointment.
Frist	There is no deadline.
weiterführende Informationen	<p>https://www.justiz.nrw.de/BS/recht_a_z/A/Amtliche_Verwahrung/index.php</p> <p>https://www.justiz.nrw.de/Gerichte_Behoerden/ordentliche_gerichte/FGG/Nachlassverfahren/gewillk_Erbfolge</p>

Modul

Sachverhalt

[_2/index.php](#)
https://www.justiz.nrw.de/BS/recht_a_z/A/Amtliche_Verwahrung/index.php
https://www.justiz.nrw.de/Gerichte_Behoerden/ordentliche_gerichte/FGG/Nachlassverfahren/gewillk_Erbfolge_2/index.php

Hinweise

Rechtsbehelf

If the restitution to the testator is refused, the judicial officer decides by order, § 38 FamFG. The testator can lodge an appeal against the refusal for a limited period of time, §§ 58 et seq., 63 FamFG, 11 RPflG.

If, according to state law, a clerk of the court was functionally responsible instead of the judicial officer, a reminder must be filed analogously to § 573 of the Code of Civil Procedure.

Kurztext

- Return of wills
- A disposition upon death deposited with the district court (e.g. a will or a contract of inheritance) that is in special official custody is returned to the testator at his request.
- A joint public or handwritten will can only be revoked by both spouses/partners.
- If it is a contract of inheritance, all contracting parties must demand the repossession.
- The request can be made verbally or in writing at any time. However, the return can only be made to the testator(s) personally.
- Since the redemption may at the same time be a disposition upon death [a public will, e.g. a notarial will (§ 2232 BGB) or a mayor's emergency will (§ 2249 BGB), is considered irrefutably revoked if the document taken into official custody is returned to the testator, § 2256 BGB], the testator's capacity to make a will is also required at the time of redemption in these particular cases.
- If the testator dies, the deposited will will not be returned, but may be opened by the probate court.
- If, on the other hand, a will is found by a third party after the death of the testator, he must deliver it to the probate court, § 2259 BGB. The probate court takes this will to the probate file. In this context, one speaks

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	of (simple) official custody
Ansprechpunkt	The competent local court in accordance with § 344 FamFG is responsible.
Zuständige Stelle	
Formulare	<p>Forms required: No</p> <p>Online procedure possible: No</p> <p>Written form necessary: No</p> <p>Personal appearance required: Yes. You can be represented when submitting the application or submit the application in writing. However, the return of the disposition of property upon death can only be made to you personally.</p>
Ursprungsportal	Rückgabe einer amtlich verwahrten Verfügung von Todes wegen (z.B. Testament) beantragen, Requesting the return of an officially deposited disposition of property upon death (e.g. will)