

99046018090000, 99046018090000

# Will return

Heruntergeladen am 02.07.2025

<https://fimportal.de/xzufi-services/121342295/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99046018090000, 99046018090000
Leistungsbezeichnung I	Will return
Leistungsbezeichnung II	Withdrawal/return of a disposition of property upon death from special official custody.
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Rückgabe (090)
SDG-Informationsbereich	Erbsprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	Erbschaft, Nachlass und Testament (1190200), Urkunden und Bescheinigungen (1070200)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	01.02.2021
Fachlich freigegeben durch	Ministry of Labor, Health and Social Affairs of the State of North Rhine-Westphalia
Handlungsgrundlage	<p>§ Section 2256 of the German Civil Code (BGB)</p> <p>§§ Sections 344, 346, 347 FamFG</p> <p><a href="http://www.gesetze-im-internet.de/bgb/_2256.html">http://www.gesetze-im-internet.de/bgb/_2256.html</a></p> <p><a href="http://www.gesetze-im-internet.de/bgb/_2256.html">http://www.gesetze-im-internet.de/bgb/_2256.html</a></p>
Teaser	Withdraw a disposition of property upon death (e.g. a will or an inheritance contract) from special official custody.
Volltext	<p>If you have placed a disposition of property upon death (e.g. a will or an inheritance contract) in special official custody with the court or if it has been deposited there by a notary at your request, you can have it returned to you from special official custody. The request can be made at any time. If you have made the disposition of property upon death jointly with your spouse or civil partner, it can only be returned to both of you at your mutual request. If you have concluded an inheritance contract, all contracting parties must request its return. In certain cases, the withdrawal from official custody also means the revocation of the deposited disposition of property upon death, e.g. in the case of notarized wills. Therefore, in these constellations, the testator must be capable of making a will when requesting the return. The request can also be made by a representative. However, the return can only be made to the testator themselves.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• Identity card or passport with registration certificate</li> <li>• Certificate of deposit (presentation is not mandatory, but makes it easier to find your disposition of property upon death).</li> </ul>
Voraussetzungen	<ul style="list-style-type: none"> <li>• If possible, you should present yourself in person; however, the application for return from special official custody can also be made in writing or by a</li> </ul>

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	<p>representative. However, the actual handover can only be made to you personally.</p> <ul style="list-style-type: none"> <li>• Actual possibility of identification by presenting your identity card or passport with registration certificate.</li> <li>• Testamentary capacity, if applicable</li> <li>• A joint will may only be returned to both spouses/life partners.</li> <li>• An inheritance contract can only be returned to all parties to the contract jointly.</li> </ul>
Kosten	None
Verfahrensablauf	<p>If you wish to withdraw a disposition of property upon death from special official custody, we recommend that you proceed as follows:</p> <ul style="list-style-type: none"> <li>- Please contact the probate court responsible for you and arrange an appointment.</li> <li>- If you have made a joint will, all testators must submit the application and accept the disposition of property upon death jointly. This also applies mutatis mutandis if you have concluded an inheritance contract. In this case, all parties to the contract must submit the application.</li> <li>- Please bring your identity card and, if available, the certificate of deposit with you to the appointment.</li> <li>- When the disposition of property upon death is returned, the judicial officer may check your testamentary capacity. This is because, under certain circumstances, the withdrawal from official custody also acts as a revocation of the deposited disposition of property upon death.</li> <li>- The court will report the return to the Central Register of Wills.</li> </ul>
Bearbeitungsdauer	The matter is normally settled at the first appointment.
Frist	None
weiterführende Informationen	<p>Information at NRW-Bürgerservice:  <a href="https://www.justiz.nrw.de/BS/recht_a_z/A/Amtliche_Verwahrung/index.php">https://www.justiz.nrw.de/BS/recht_a_z/A/Amtliche_Verwahrung/index.php</a></p>

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	<a href="https://www.justiz.nrw.de/Gerichte_Behoerden/ordentliche_gerichte/FGG/Nachlassverfahren/gewillk_Erbfolge_2/index.php">https://www.justiz.nrw.de/Gerichte_Behoerden/ordentliche_gerichte/FGG/Nachlassverfahren/gewillk_Erbfolge_2/index.php</a>
Hinweise	- not applicable -
Rechtsbehelf	<ul style="list-style-type: none"> <li>• If surrender to the testator is refused, the judicial officer shall decide by order.</li> <li>• The testator may lodge an appeal against the refusal for a limited period of time.</li> <li>• If a clerk was functionally responsible under state law instead of the judicial officer, a reminder must be lodged.</li> </ul>
Kurztext	<p>- Return of a will</p> <p>- A disposition of property upon death deposited with the local court (e.g. a will or contract of inheritance) which is in special official custody will be returned to the testator at his or her request.</p> <p>- A joint public or personal will can only be revoked by both spouses/partners.</p> <p>- In the case of an inheritance contract, all contracting parties must request the withdrawal.</p> <p>- The request can be made verbally or in writing at any time. However, the return can only be made to the testator personally.</p> <p>- As the revocation may also be a disposition of property upon death [a public will, e.g. a notarized will (Section 2232 BGB) or a mayor's will (Section 2249 BGB), is deemed to be irrevocably revoked if the document taken into official safekeeping is returned to the testator, Section 2256 BGB], the testator's testamentary capacity is also required at the time of revocation in these specific cases.</p> <p>- If the testator dies, the deposited will is not returned but opened by the probate court if necessary.</p> <p>- If, on the other hand, a will is found by a third party after the testator's death, they must hand it over to the</p>

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	probate court, Section 2259 BGB. The probate court adds this will to the probate file. In this context, this is referred to as (simple) official custody.
Ansprechpunkt	
Zuständige Stelle	
Formulare	<ul style="list-style-type: none"> <li>- Forms required: No</li> <li>- Online procedure possible: No</li> <li>- Written form necessary: No</li> <li>- 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.</li> </ul>
Ursprungsportal	Testament Rückgabe, Will return