

99046018090000, 99046018090000

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

Heruntergeladen am 02.07.2025

<https://fimportal.de/xzufi-services/117133825/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99046018090000, 99046018090000
Leistungsbezeichnung I	Will: Requesting the return of an officially deposited disposition of property upon death (e.g. will)
Leistungsbezeichnung II	Withdrawal/return of a disposition of death from special official custody
Typisierung	2/3a - Bund: Regelung, Land: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Rückgabe (090)
SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen

Modul	Sachverhalt
	Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	06.07.2021
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_2256.html https://www.gesetze-im-internet.de/famfg/ https://www.gesetze-im-internet.de/bgb/_2256.html
Teaser	Withdraw a disposition of property upon death (e.g. a will or inheritance contract) from special official custody.
Volltext	<p>If you have placed a testamentary disposition (e.g. a will or a contract of inheritance) in special official custody with the court or if it was deposited there by the notary at your instigation, you can have it returned to you from the 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 upon mutual request. If you have concluded an inheritance contract, all contracting parties must request its return. In certain constellations, withdrawal from official custody also means 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 at the time of the request for return. The request can also be made by a deputy. However, the restitution can only be made to the testator himself.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Identity card or passport with registration certificate • Certificate of deposit (presentation is not mandatory, but makes it easier to find your disposition of property upon death).
Voraussetzungen	<ul style="list-style-type: none"> • 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 representative. However, the actual handover can only

Modul	Sachverhalt
	<p>be made to you personally.</p> <ul style="list-style-type: none"> • Actual possibility of identification by presenting your identity card or passport with registration certificate. • Testamentary capacity, if applicable • A joint will may only be returned to both spouses/life partners. • An inheritance contract can only be returned to all contracting parties jointly.
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"> • Please contact the probate court responsible for you and arrange an appointment. • 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. • Please bring your identity card and, if available, the certificate of deposit with you to the appointment. • 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. • The court will report the return to the Central Register of Wills.
Bearbeitungsdauer	Normally, the matter is settled at the first appearance.
Frist	none
weiterführende Informationen	
Hinweise	
Rechtsbehelf	If surrender to the testator is refused, the judicial officer shall decide by order, Section 38 FamFG. The testator can lodge an appeal against the refusal for a

Modul	Sachverhalt
	<p>limited period of time, Sections 58 et seq. and 63 FamFG, 11 RPfLG.</p> <p>If a clerk was functionally responsible under state law instead of the judicial officer, a reminder must be lodged in accordance with Section 573 ZPO.</p>
Kurztext	<ul style="list-style-type: none"> • Return of a will • A disposition of property upon death deposited with the local court (e.g. a will or an inheritance contract) that is in special official custody will be returned to the testator at his or her request. • A joint public or personal will can only be revoked by both spouses/partners. • In the case of an inheritance contract, all contracting parties must request the withdrawal. • The request can be made verbally or in writing at any time. However, the return can only be made to the testator personally. • 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. • If the testator dies, the deposited will is not returned but opened by the probate court if necessary. • 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 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	The competent local court in each case pursuant to section 344 FamFG shall have jurisdiction.
Zuständige Stelle	The competent local court in each case pursuant to section 344 FamFG shall have jurisdiction.
Formulare	<p>Forms required: No</p> <p>Online procedure possible: No</p> <p>Written form required: No</p>

Modul

Sachverhalt

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.

Ursprungsportal

Testament: Rückgabe einer amtlich verwahrten Verfügung von Todes wegen (z. B. Testament) beantragen, Will: Requesting the return of an officially deposited disposition of property upon death (e.g. will)