

99046018090000

Will return

Heruntergeladen am 02.07.2025

<https://fimportal.de/xzufi-services/S1000020010000012606/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046018090000
Leistungsbezeichnung I	Will return
Leistungsbezeichnung II	Withdrawal/return of an order upon death from special official custody.
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Return of inheritance contract</div> , <div lang="en-x-mtfrom-de">Return of will</div> , <div lang="en-x-mtfrom-de">Return decree upon death</div> , <div lang="en-x-mtfrom-de">Withdrawal from official custody</div> , <div lang="en-x-mtfrom-de">Withdrawal of the will from official custody</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	26.09.2023
Fachlich freigegeben durch	
Handlungsgrundlage	§ 2256 Civil Code (BGB) §§ 344, 346, 347 FamFG
Teaser	Withdrawing a disposition upon death (will or inheritance contract) from special official custody
Volltext	<p>If you have placed a death decree (will or inheritance contract) in special official custody at the court or it was deposited there by the notary at your request, you can have it returned from special official custody. The request can be made at any time. If you and your spouse or life partner have made a joint will upon death (joint will), it can only be returned to both of them upon mutual request. If you have concluded an inheritance contract, all contracting parties must demand return. In certain cases, the withdrawal from official custody also means the revocation of the deposited disposition upon death, for example in the case of notarial wills. Therefore, in these constellations, the testator (author of the will) must be competent to make a testament when requesting the return (mentally healthy, able to legally draw up a will). The application can also be submitted by a representative. However, the return can only be made to the testator himself.</p>
Erforderliche Unterlagen	<p>Identity card or passport with registration certificate Deposit receipt (This is not mandatory, but it makes it easier to find your disposition upon death)</p>
Voraussetzungen	<p>Personal interview; However, the application for return from special official storage can also be made in writing or through a representative. The actual delivery can only be made to you personally. Presentation of identity card or passport with registration certificate Testamentary capacity (mental health, ability to legally</p>

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	draw up a will) A joint will may only be returned to both spouses or life partners. The return of an inheritance contract can only be made jointly to all contracting parties.
Kosten	Gebühr: Es fallen keine Kosten an
Verfahrensablauf	<p>If you want to withdraw a decree from special official custody upon death, we recommend proceeding as follows: Please contact the relevant probate court where the will is held and arrange an appointment. If you have made a joint will, all testators must demand the return and also accept the disposition jointly. This also applies if you have concluded an inheritance contract. Then all contracting parties must submit the application. Please bring your ID card and, if you have one, the deposit slip with you to the appointment. When the disposition is returned due to death, the legal guardian may check your testamentary capacity (mental health, ability to draw up a legally effective will). Under certain circumstances, the withdrawal from official custody also acts as a revocation of the deposited order upon death. The court reports the return to the Central Register of Wills</p>
Bearbeitungsdauer	Normally the matter will be settled at the first consultation.
Frist	No
weiterführende Informationen	https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg https://justiz.hamburg.de/gerichte-segmente/ https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/verfahrensarten/nachlassgericht-636948 https://justiz.hamburg.de/justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/verfahrensarten/nachlassgericht-636948 https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Erben_Vererben.pdf?__blob=publicationFile&v=14

Modul
Sachverhalt

https://www.bmj.de/SharedDocs/Publikationen/DE/Erb en_Vererben.pdf?__blob=publicationFile&v=33

Hinweise

In certain cases, special official custody can also be arranged by a third party if you so wish, for example when drawing up a notarized will or inheritance contract. The notary will then ensure that the document is taken into special official custody. Please note: The probate court does not provide legal advice. Please contact the persons authorized to provide legal advice. These are lawyers or notaries. The Public Legal Advice Service (ÖRA) offers low-cost legal advice for people with low incomes.

Rechtsbehelf

If the release to the testator is refused, the judicial officer will make a decision. The testator can lodge a temporary appeal against the rejection, §§ 58 ff., 63 FamFG, 11 RPflG. If, according to state law, a clerk was functionally responsible instead of the judicial officer, a reminder must be submitted analogous to Section 573 ZPO.

Kurztext

Withdrawal or return of an order upon death from special official custody Will return A death decree (will or inheritance contract) deposited with the district court and which is in special official custody will be returned to the testator upon request. A joint public or handwritten will can only be withdrawn by both spouses or life partners If it is an inheritance contract, all contracting parties must request the return. This only applies to inheritance contracts and the testamentary capacity of all those involved. Other contractual provisions remain in the file. The request can be declared at any time verbally or in writing. However, the return can only be made to the testator personally. Since the revocation of a notarial will is also a disposition upon death, it is considered irrefutably revoked if it is returned to the testator. Therefore, in these specific cases, the testator's (will's author) testamentary capacity (mentally healthy, able to legally draw up a will) is also required at the time of withdrawal. If the testator dies, the deposited will is not returned but is opened by the probate court However, if a will is found after the testator's death, it must be delivered to the probate court. The probate court

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	records this will as part of the probate file.
Ansprechpunkt	If you want to find out exactly who is responsible for your request, please follow the link to Hamburg Service
Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)