

Probate - Will - Official custody and return

You can place a handwritten will in special official safekeeping at the local court. Notarial wills are placed directly in special official safekeeping at the local court by the notary who certifies them. The cooperation of the testator is not required.

Competent Department

- [Amtsgericht Bremerhaven](#)
- [Amtsgericht Bremen-Blumenthal](#)
- [Amtsgericht Bremen](#)

Basic information

As soon as a will is taken into special official custody, the respective court notifies the Central Register of Wills, which is maintained by the Federal Chamber of Notaries, of the custody. There, the deposit is registered electronically, but the contents are not recorded. This also applies to handwritten wills. Each registry office that records a death notifies the Central Register of Wills, which then informs the district courts where wills are held in official custody at

. The Central Register of Wills is then updated on a regular basis.

Requirements

A so-called application for deposit must be filled out and signed and submitted with the will to the district court.

What documents do I need?

- for official custody and return:

Deposit application: completed and signed, in case of joint wills both testators must apply for the deposit

Testament: in the original

Birth certificate : To register in the Central Register of Wills, it is necessary to indicate the birth registration. It is therefore essential to fill in the corresponding field in the filing application

(registry office and registration number). Alternatively, can be used to file a copy of the birth certificate .

On return: The identity of each testator must be proven by presenting a valid official photo identification (identity card, passport). It is not possible to hand over to authorized persons.

Procedure

Legible handwriting is requested for both the application for deposit and for return.

The application for deposit must be completed, signed and submitted to the district court together with the will. In the case of joint wills, which can only be made by spouses, both testators must apply for the deposit. The application can be submitted in person or by mail. The form for the application for deposit can be found on the homepage of the respective district court.

A will can also be withdrawn from the custody of the local court as long as the testator (or both testators in the case of joint wills) is alive. This requires an application for return, which must be sent to the local court that has custody of the will.

The application for restitution must contain the business number of the district court or the personal data of the testators (surname, maiden name, first name, date of birth) and, if possible, the custody book number. The deposit book number can be found in the deposit certificate. In addition, the testator or, if applicable, both testators must be legally competent.

The district court then assigns a date on which the return will take place. The return can only be made to the testator personally. The identity of each testator must be proven by presentation of a valid, official photo ID (identity card, passport). It is not possible to hand over the will to authorized persons.

Joint wills can only be issued to both testators at the same time. Wills drawn up before a notary are deemed revoked upon withdrawal from official custody. Wills written in the testator's own hand therefore remain effective even after they have been returned.

If the testator(s) no longer reside in Bremen, the return can also be made via a court close to the current place of residence. This must be noted accordingly in the application.

Special rules apply to inheritance contracts. Please enquire.

More information

The special official safekeeping of handwritten wills can take place at any local court (section 344 (1) no. 3 FamFG).

If you have any questions regarding the drafting of a will and its amendment, seek legal advice if necessary - the local court is not authorized to provide legal advice.

What are the costs?

75,00 EUR Fee for special official safekeeping at the local court

18,00 EUR Fee for the registration of official custody in the register of wills (charged by the Bundesnotarkammer)