

Expert opinion comparing handwriting in cases of doubt as to whether a will is authentic and holographic - Law of inheritance

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GRP Rainer Lawyers and Tax Advisors in Cologne, Berlin, Bonn, Bremen, Düsseldorf, Essen, Frankfurt, Hamburg, Hanover, Munich, Nuremberg, Stuttgart and London www.grprainer.com/en conclude: In its decision of May 8, 2013 (Az.: I-3 Wx 47/12), the Higher Regional Court (OLG) of Düsseldorf ruled that doubt as to whether a will is authentic and holographic must be removed by means of an expert opinion comparing handwriting.

Where there is any remaining doubt on the part of the expert, the appeal court should then, where necessary, be able to overcome this based on the probate court's hearing of evidence and without a further expert opinion, which ought only to be obtained in exceptional cases.

The OLG had to reach a judgment in a case in which there was a dispute between the relatives of a testatrix concerning the validity of a holographic will. The testatrix had handwritten a document in March 2008 and added the heading, "My last will?•. Moreover, the testatrix included her signature in the document. The District Court (AG), as probate court, considered the document to have been written and signed in the testatrix's own hand after obtaining an expert opinion comparing handwriting. The decision was then upheld by the OLG of Düsseldorf.

Inheriting and bequeathing are more than simply legal matters. In addition to legal issues pertaining to the law of inheritance, inheritance almost always concerns emotions and internal family sensitivities. A lawyer versed in the law of inheritance can competently and sensitively handle this exceptional situation.

The German law of inheritance is well conceived but not made for laymen. Nevertheless, many testators draw up their will without professional assistance. The consequences: an invalid will and disputes among the heirs, since it is the law that determines the heirs in the event that there is no valid will.

A lawyer can prevent this situation, as the support of a lawyer versed in the law of inheritance when drawing up a will guarantees that it shall be irrefragable. If testators organise their estate with the help of a lawyer active in the field of the law of inheritance, they can be certain that the heirs respect the testator's final will.

<http://www.grprainer.com/en/Last-Will-and-Testament.html>

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Anlage: Bild

