



Kaiserslautern Military Community Retiree Activities Office

Fact Sheet: Inheritance ---Reference to a Last Will and Testament---

BLUF: Again just like the Will, each case is different; there is no standard answer who needs a will and which type is best for their particular situation. It is best to seek out and obtain an appointment at one of the local Legal Centers and talk to one of the German attorney advisors, free of charge. Leaving an estate in Germany could be complicated.

--For example, in case a person signs all their possessions over to their spouse, which by German law they should not have done if there are other surviving family members and/or relatives, it might cause an issue and could be fought in court if some relatives had an entitlement to the inheritance in addition to the spouse. This is where the German law differs a lot from the American law. In addition, if the holographic will does involve real estate it will require a certificate of inheritance (Erbschein) later on for probate, change of official property status entry (Grundbucheintrag) which requires additional time and money to acquire after the persons death before the property can be inherited.

--Again, if German real estate is involved it is highly recommended to see a German notary (Notar) who is qualified to explain and establish the mandatory requirements (Pflichtanteil) and entitlements by law and properly document such in a notarized testament. This typed and notarized will, contrary to the holographic will, is an official document which was prepared by an authorized notary and cannot be questioned like the handwritten will could. Even though this service is not free of charge and in some cases can be rather costly, the notarized will does not require an "Erbschein" and the estate can be settled much quicker and easier.\

--Your case might not be as simple as it seems! So best to first get your free legal advice to inquire what best suits your particular situation before you make any final decisions. Saving money up front can be very costly later on for your remaining family members!

Best to make contact with the German Attorney Advisor, Kaiserslautern Legal Services Center, Kleber Kaserne, Kaiserslautern, Germany, Tel: 0631-411-8848/8864, DSN 314-483-8848.

Contacts: Via telephone at DSN 480-5486 or Civilian 06371-47-5486 (Leave a message if no one is in) or write an e-mail to: 86aw.rao@us.af.mil

OPR: 86 AW/RAO, Ute Harris, SGM (R), Consultant, 28 May 2015