



Writing a Will in Switzerland

Your last will, clearly regulated

A will is a legal document that details a person's last wishes with regard to how his/her possessions are to be handled upon death.

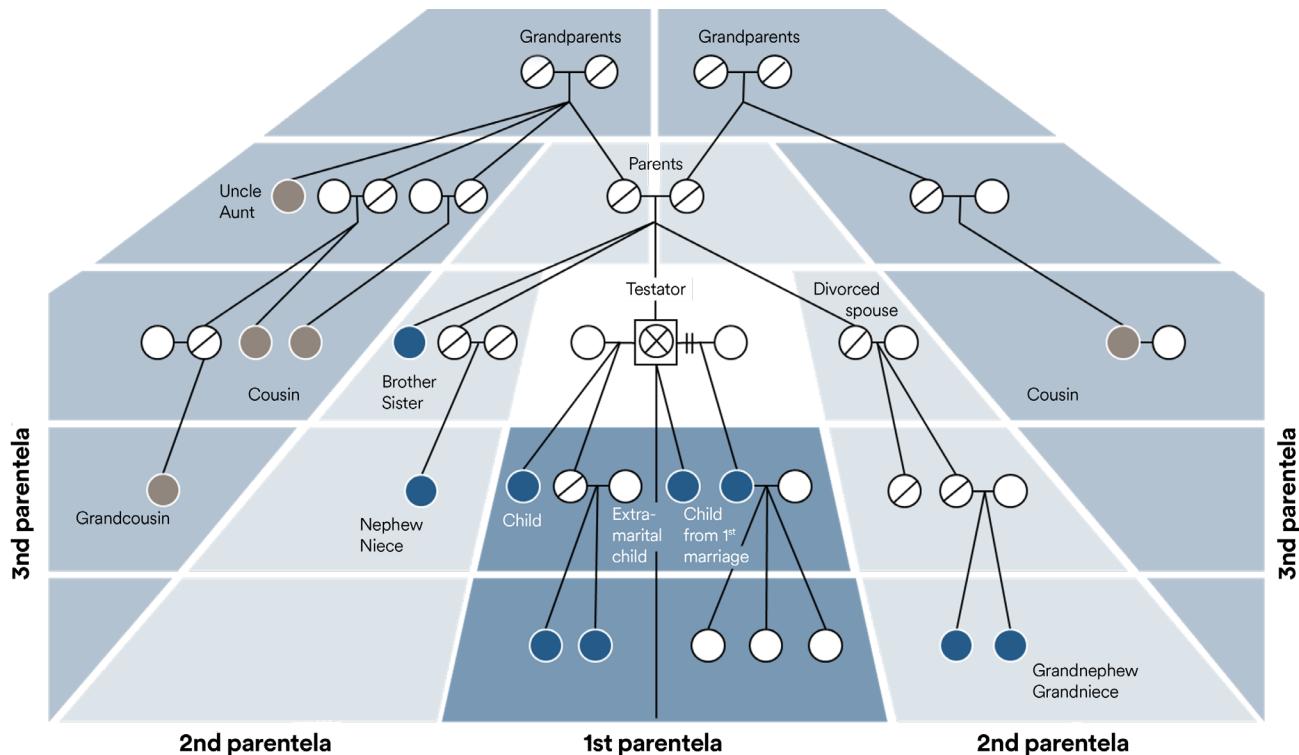
A will allows for an individualized arrangement of a person's estate, which may differ from the statutory rules of succession in Switzerland. In addition, it can address further personal matters, such as instructions for the funeral, the appointment of an executor, or the designation of heirs.

If you do not leave a will, your estate will automatically be distributed according to statutory inheritance laws. These laws do not always take your personal wishes into account and may cause conflict among heirs.

By creating a will, you can ensure that your assets are distributed in accordance with your wishes and that your loved ones or other important individuals are provided for as you intend.

Statutory succession

In Switzerland, the estate of a deceased person is distributed according to statutory portions in case there is no will.



Compulsory portions

Close relatives are entitled to a compulsory portion of an estate. For spouses and descendants, the compulsory portion amounts to half of the statutory share of the estate. These portions cannot be bypassed with a will.

What is a will?

A will is a unilateral personal declaration of intent written prior to death. It has no impact prior to a testator's passing. The author can revoke, change or nullify it at any time. A person who wishes to write a will must be 18 years of age and capable of judgement. A personal will is valid only if it is fully written, dated, and signed by hand.

Considerations

You are basically free to distribute your estate according to your will. In doing so, you need to respect the compulsory portions of your legal heirs, in other words your closest relatives such as your spouse or children.

Compulsory portions are the minimum portions of an estate that cannot be revoked. If you go against the compulsory portions, your legal heirs can file a lawsuit to challenge the will.

You can, however, freely decide over the available portion of your estate.

Additional points to consider when drawing up a will

- **Clear wording:** Avoid ambiguous wording to prevent any legal uncertainty.
- **Compulsory portions:** Keep in mind the compulsory shares to avoid disputes.
- **Executor:** Naming an executor can facilitate the implementation of a will.
- **Periodic updates:** Significant changes in life should provide a reason to review your will and, if necessary, adjust it.
- **Careful selection of heirs:** Take into consideration the potential impact of your decisions on succession.
- **Notarial certification:** In certain cases, it may make sense to have a notary certify a will to reinforce its validity.

Conclusion

Drawing up a will is an important step to ensure that your estate is distributed according to your wishes. It is recommended to seek legal advice to create an effective and legally sound will.



smzh tip

**Thomas Kaufmann**

Chairman of the Board,
smzh ag

“ It is important to understand that statutory succession may not correspond with your individual wishes and ideas. This is particularly true if your family situation is non-traditional or if you are a business owner. I encourage everyone to seek expert advice on this topic – even if it may not be pleasant to think about in the first place. **”**

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01/26