

Freezing assets in estate disputes: Swiss interim measures and attachment

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Estate disputes can take years, while assets can be moved in days. Swiss law offers several instruments to secure assets, each subject to its own conditions, which require careful preparation.

1 Measures under succession law

The Swiss Civil Code provides for protective measures in the course of the devolution of an estate, such as sealing, the taking of an inventory or estate administration, ordered by the competent authority at the deceased's last domicile. Where the deceased lived abroad, Swiss authorities may in certain cases take measures for assets located in Switzerland. These measures can be an effective first step to prevent assets from being dispersed before the heirs are known.

2 Interim measures under civil procedure

Under the Swiss Civil Procedure Code, a court may order interim measures where the applicant shows, on a prima facie basis, that a claim exists, that it is at risk and that the risk threatens harm that is not easily reparable. In estate matters this may include an order prohibiting a bank or a co-heir from disposing of particular assets. Courts can order such measures without hearing the other side in cases of special urgency, and they may require the applicant to provide security. Under Art. 10 PILA, Swiss courts may order provisional measures even where the main proceedings take place abroad.

3 Attachment for monetary claims

For monetary claims, a creditor may apply for an attachment of assets under Art. 271 et seq. of the Debt Enforcement and Bankruptcy Act

(DEBA). The available grounds include situations where the debtor is not domiciled in Switzerland and the claim has a sufficient connection to Switzerland, or where the creditor holds an enforceable title. The applicant must identify the assets with reasonable precision, since Swiss courts do not allow speculative searches, and must then validate the attachment within the statutory time limits.

4 Cooperation with foreign courts

Foreign freezing orders do not automatically take effect in Switzerland. Within the scope of the Lugano Convention, certain provisional measures may be recognised, although succession matters are excluded from that convention. In other cases, a separate Swiss application is usually necessary, and evidence from foreign proceedings can support it.

5 What pays off in practice

- **Identify the assets precisely** by bank and, where possible, by account, because vague applications tend to fail.
- **Move quickly and discreetly** as the element of surprise is often decisive.
- **Plan the main proceedings** since interim measures lapse unless followed up within the set deadlines.

6 How Ressos Legal helps

I represent heirs and beneficiaries in applications for interim measures and attachments in Switzerland, often alongside proceedings abroad. [Contact me](#) for a first conversation.

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