

Trust and estate disputes in Switzerland

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Disputes over trusts and estates are rarely confined to one country. The assets are held with Swiss banks, the trustee sits in an offshore centre, the heirs live on three continents, and the will was drafted under a different law. Swiss law and Swiss courts play a central role in many of these disputes, both because the assets are in Switzerland and because Swiss private international law provides clear rules on jurisdiction and the applicable law.

1 Claims against trustees

Beneficiaries of a trust can hold the trustee liable for breaches of trust, demand accounts and information, and in serious cases seek the trustee's removal. Chapter 9a of the Private International Law Act (Articles 149a et seq.) governs trust disputes in Switzerland. The trust deed can designate a court or an arbitral tribunal with exclusive jurisdiction; where it does not, the Swiss courts at the seat of the trust or the domicile of the defendant trustee may have jurisdiction. The law governing the trust determines the rights of the beneficiaries.

2 Information from Swiss banks

Heirs frequently need to know which assets the deceased held with Swiss banks, what happened to them before death, and who received them. Under Swiss case law, the heirs as universal successors have a right to information against the bank concerning the deceased's accounts, and in some cases concerning transactions shortly before death. Bank client secrecy does not protect the deceased against his own heirs, as explained in the article on [Article 47 of the Banking Act](#). Where the assets have become dormant, the procedure described in the article on [dormant assets](#) applies.

3 Challenging wills and inheritance contracts

A will or inheritance contract can be annulled if the testator lacked capacity, if it was made under the influence of error, fraud or duress, or if its content or form is unlawful (Articles 519 and 520 of the Civil Code). The action must be brought within one year of the date on which the claimant learned of the disposition and the ground for annulment, and in any case within ten years of the opening of the will (Article 521).

4 Forced heirship claims

Where the deceased's estate was governed by Swiss law and the forced share of an heir has been violated, the heir can bring an action for reduction (Articles 522 et seq. of the Civil Code). The action can also cover certain lifetime gifts, including transfers to trusts and foundations. It lapses one year after the heir learned of the violation and in any case ten years after the opening of the will or the death (Article 533). Since 2023 the forced shares have been reduced, as explained in the article on [international families](#).

5 Securing assets

While a dispute is pending, assets in Switzerland can be secured by provisional measures or by attachment under Article 271 of the Debt Enforcement and Bankruptcy Act, as explained in the article on [attachment](#). In succession matters, the authorities can also order the sealing of the estate, an inventory or the administration of the estate by an official administrator.

6 Foreign judgments and arbitration

Foreign decisions on estates and trusts are recognised in Switzerland under the Private International Law Act if they were rendered in a state with a sufficient connection to the estate or trust, and arbitral awards are enforced under the New York Convention. Trust deeds increasingly contain arbitration clauses, and arbitration under the Swiss Rules with a seat in Zurich or Geneva offers confidentiality, which families value in these disputes.

7 How Ressos Legal helps

I represent beneficiaries, heirs, trustees and executors in disputes concerning trusts, foundations and estates with a connection to Switzerland, obtain information from Swiss banks, and secure and recover assets. I am a Trust and Estate Practitioner (TEP). [Contact me](#) for a first conversation.

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