

PRESS RELEASE

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Subject Advising the Museum of Fine Arts Bern

Museum of Fine Arts Bern wins Gurlitt case with aid of CMS: museum cleared to receive bequest

Munich – Munich Higher Regional Court ruled on 15 December 2016 that Cornelius Gurlitt's last will and testament is valid, following an appeal in the inheritance proceedings that have now lasted for 18 months. The Museum of Fine Arts Bern is thus eligible to receive the bequest as sole heir. The Senate of the Court accepted the assessment of the court-appointed expert. Following a review of the extensive submissions by the parties involved and of all the private expert opinions submitted, the experienced neurologist and psychiatrist stood by his view that there was no evidence of the mental illness or other defects alleged to have impaired Cornelius Gurlitt's capacity.

A team led by CMS partners Hans Christian Blum and Claus Thiery advised the Museum of Fine Arts Bern on all legal aspects of the dispute.

Cornelius Gurlitt made a notarised will in January 2014 in which the Museum of Fine Arts Bern was appointed sole heir. After the museum had accepted Gurlitt's bequest, it applied for the necessary certificate of inheritance to be issued by the probate court. Uta W., a cousin of Cornelius Gurlitt who would have inherited 50% of the estate if no will had been made, challenged this application. She argued that Cornelius Gurlitt was suffering from a mental illness at the time the will was made, and in particular that he was paranoid, thereby rendering the will null and void.

CMS Germany

Hans Christian Blum, Partner, Lead

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For more information, please visit cms.law.

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