

99046010001000

Apply for a certificate of inheritance

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/6000177/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99046010001000
Leistungsbezeichnung I	Apply for a certificate of inheritance
Leistungsbezeichnung II	Apply for a certificate of inheritance
Typisierung	4 - Land: Regelung
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

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Sachverhalt

Fachlich freigegeben am

Fachlich freigegeben durch

Handlungsgrundlage

- § 2353 [Bürgerliches Gesetzbuch (BGB)](<https://www.gesetze-im-internet.de/bgb/>) – Zuständigkeit des Nachlassgerichts, Antrag
 - §§ 352, 352a [Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG)](<http://www.gesetze-im-internet.de/famfg/index.html>) – Angaben im Antrag auf Erteilung eines Erbscheins; Nachweis der Richtigkeit, Gemeinschaftlicher Erbschein
 - [Gesetz über Kosten der freiwilligen Gerichtsbarkeit für Gerichte und Notare (Gerichts- und Notarkostengesetz – GNotKG), Anlage 1 (zu § 3 Absatz 2) Kostenverzeichnis](http://www.gesetze-im-internet.de/gnotkg/anlage_1.html), Nummer 12210 (Erbschein, Europäisches Nachlasszeugnis) und Vorbemerkung 1 Absatz 2 in Verbindung mit Nummer 23300 (eidesstattliche Versicherung)

Teaser

You often need a certificate of inheritance to prove your right to inherit. This is the case, for example, if you want to have a property or an account of the deceased transferred into your name or if you want to freely dispose of the account balance.

Volltext

You often need a certificate of inheritance to prove your right to inherit. This is the case, for example, if you want to have a property or an account of the deceased transferred into your name or if you want to freely dispose of the account balance.

However, if the succession is based on a notarised disposition of property upon death, it is often sufficient if you submit a certified copy of the disposition of property upon death and the opening protocol.

The certificate of inheritance is issued by the probate court upon application and is subject to a fee. As an affidavit is usually required to confirm the accuracy of the information required for the certificate of

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inheritance, you should contact the probate court or a notary in person. In the case of a certificate of inheritance based on legal succession, the succession must be proven by civil status documents (birth, marriage and death certificates as well as excerpts from the family register). The probate court or the notary will provide you with information on which further documents you must submit and which declarations you may still have to make.

European Certificate of Succession

Since 17.08.2015, the European Succession Regulation has been in force in all EU Member States, with the exception of Ireland and Denmark. This regulation contains provisions on succession cases with so-called foreign contact.

The Regulation also introduced a European Certificate of Succession. This can be applied for in cases of death from 17.08.2015. With this document, heirs, executors and administrators can prove their legal status in another Member State. The European Certificate of Succession is recognised by all Member States without the need for further procedures.

For legal transactions within Germany, the certificate of inheritance is sufficient. If objects of the estate are located abroad, you should enquire whether the certificate of inheritance is also sufficient to settle the estate located there or whether the European certificate of inheritance is required.

Erforderliche Unterlagen

As a rule, you must affirm in lieu of an oath that the information required for the certificate of inheritance is correct. In addition, you will need the following documents:

individually determined succession / disposition of death available:

- certified copy of the disposition of property upon death
- certified copy of the opening protocol

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statutory succession / no disposition of property upon death exists:

- Proof of relationship (as a rule by means of civil status documents, such as a certified printout from the register of births, marriage certificate), insofar as this is required for the determination of heirs

The required documents must be presented in the original or in certified form. Civil status documents must be presented in the original, copies are not admissible.

This can be particularly difficult if the deceased had no descendants or if they had already died without leaving any descendants themselves. Since the legal succession is then determined via the parents and grandparents of the deceased, you will need a large number of documents.

****Tip:**** The probate court will provide you with information on which documents you need to submit and which declarations you may still need to make.

Voraussetzungen

Upon application, heirs entitled to file an application receive a certificate of inheritance.

Kosten

- Costs of proceedings: full fee
- Acceptance of the affidavit: full fee

The fee depends on the business value, in this case the value of the estate after deduction of liabilities.

Verfahrensablauf

You can apply for a certificate of inheritance informally at the probate court.

The application must, among other things, specify the content of the requested certificate of inheritance. An application in accordance with the "provisions of the will" is therefore generally not admissible.

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Each application must contain:

- Name, address and date of birth of the applicant
- Date of death of the deceased
- Indication of whether a legal dispute concerning the right of inheritance of the applicant is pending

In addition, the application must state whether a sole, partial or joint certificate of inheritance is being applied for. If a person has ceased to exist as a result of which the person making the application would be excluded from the succession or his or her share of the inheritance would be reduced, the applicant must state in what way the person has ceased to exist.

A person inheriting by operation of law must also include the following information in his or her application:

- the relationship on which their right to inherit is based (for example, kinship, marriage, establishment of paternity)
- whether and which persons are or were present by whom they could be excluded from the succession or by whom their share in the inheritance could be reduced
- whether and which dispositions of the deceased exist

In addition to the above, an intended heir must also state in the application all existing dispositions of the deceased by reason of death (will, contract of inheritance). The disposition by which he or she establishes his or her right of inheritance must be designated and presented.

****Note:**** If you apply for a joint certificate of inheritance, you must state all heirs and their shares in the inheritance. In addition, you must prove that the other heirs have accepted the inheritance if the

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	<p>application is not filed by all heirs.</p> <p>In addition to the application, you are usually required to make an affirmation in lieu of an oath that certain information provided for by law is correct. The affirmation must be made in court or before a notary public.</p>
Bearbeitungsdauer	Depending on the individual case.
Frist	none
weiterführende Informationen	
Hinweise	Under certain circumstances (e.g. in the case of incorrect information), the certificate of inheritance may be subsequently revoked.
Rechtsbehelf	Complaint pursuant to Section 58 (1) FamFG
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	