

99046068052000, 99046068052000

Withdrawing a joint certificate of inheritance

Heruntergeladen am 12.07.2025

<https://fimportal.de/xzufi-services/237898123/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99046068052000, 99046068052000
Leistungsbezeichnung I	Withdrawing a joint certificate of inheritance
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Rheinland-Pfalz
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Einziehung (052)
SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	Erbschaft, Nachlass und Testament (1190200), Urkunden und Bescheinigungen (1070200)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.06.2021
Fachlich freigegeben durch	Lower Saxony Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_2361.html https://www.gesetze-im-internet.de/famfg/_353.html https://www.gesetze-im-internet.de/bgb/_2361.html https://www.gesetze-im-internet.de/famfg/_353.html
Teaser	If it turns out in retrospect that the heirs shown in the certificate of inheritance are not the real heirs, the certificate of inheritance can be confiscated again.
Volltext	If the probate court learns that the heirs listed in the certificate of inheritance are not the real heirs of the testator, the testator must withdraw the certificate of inheritance ex officio. The certificate of inheritance thus becomes powerless and the alleged heirs listed in this incorrect certificate of inheritance can no longer jointly dispose of the estate. The confiscation of the certificate of inheritance can also be suggested by the real heir in court.
Erforderliche Unterlagen	The proceedings are conducted ex officio by the probate court. If you apply for such a procedure, the following documents are helpful: • your identity card or passport, • the death certificate of the deceased person (testator), • the family record book for the documentation of kinship, • information on whether there is a process for your inheritance law, • the names and addresses of the co-heirs, • Proof of the reason why certain persons who would actually inherit are no longer heirs, for example their death certificates, waivers of inheritance or declarations of renunciation of inheritance, • if applicable, wills or contracts of inheritance, • the matrimonial property regime (in the case of spouses) or the property regime (in the case of registered civil partnerships).

Modul	Sachverhalt
Voraussetzungen	There is a joint certificate of inheritance and this identifies persons as heirs who are not heirs.
Kosten	The court determines the costs of the judicial proceedings concerning the confiscation of the certificate of inheritance in accordance with § 353 sec. 2 sentence 1 FamFG. The amount of the costs is determined by the amount in dispute, which is calculated according to the amount of the estate value minus the debts.
Verfahrensablauf	The district court examines, of its own motion or on request, whether the certificate of inheritance is to be confiscated due to incorrectness.
Bearbeitungsdauer	The processing time depends on the complexity of the inheritance.
Frist	none
weiterführende Informationen	https://www.bmjv.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33
Hinweise	
Rechtsbehelf	A complaint may be lodged against the confiscation order. https://www.gesetze-im-internet.de/famfg/_353.html https://www.gesetze-im-internet.de/famfg/_353.html
Kurztext	- The certificate of inheritance is an official certificate issued by the probate court that provides information on the right of succession of certain persons - The joint certificate of inheritance can be issued on the basis of a will or according to the legal succession - If the heirs shown in the certificate of inheritance are not the real heirs, the certificate of inheritance can be recovered
Ansprechpunkt	
Zuständige Stelle	
Formulare	Forms are not required.
Ursprungsportal	Withdrawing a joint certificate of inheritance, Gemeinschaftlicher Erbschein einziehen