

99046068001005, 99046068001005

Applying for a community minimum sharing certificate

Heruntergeladen am 12.07.2025

<https://fimportal.de/xzufi-services/430864099/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99046068001005, 99046068001005
Leistungsbezeichnung I	Applying for a community minimum sharing certificate
Leistungsbezeichnung II	Applying for a community minimum sharing certificate
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Erbschaft, Nachlass und Testament (1190200)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.06.2021
Fachlich freigegeben durch	Ministry of Justice of Lower Saxony
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG020002377
Teaser	The probate court can also issue a so-called joint minimum certificate of inheritance for several heirs. Each co-heir can apply for a joint minimum certificate of inheritance.
Volltext	<p>When a testator dies, they usually leave behind not just one heir, but several. These become part of the so-called community of heirs upon inheritance. The estate is only divided among the individual heirs in accordance with the agreements made once the estate has been settled.</p> <p>In principle, each individual co-heir can apply for a certificate of inheritance with which they can identify themselves to third parties as the rightful heir. However, if the community of heirs wishes to act jointly and deal with banks, insurers and the land registry, a joint certificate of inheritance is often required.</p> <p>A minimum certificate of inheritance can be applied for if not all heirs have yet been determined, e.g. because they still need to be identified, but it is clear what the minimum share of the estate is for each heir. The minimum certificate of inheritance then only shows the inheritance quota that would be attributable to the applicant for the certificate of inheritance if there were actually still heirs in the as yet unresolved line or tribe.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Your identity card or passport, • the death certificate of the deceased person (testator), • the family register to document the relationship, • Information on whether there is a lawsuit concerning your inheritance rights, • Names and addresses of the co-heirs, • Proof of the reason why certain persons who would

Modul	Sachverhalt
	<p>actually inherit are no longer heirs, e.g. their death certificates, declarations of inheritance or waivers of inheritance,</p> <ul style="list-style-type: none"> • wills or inheritance contracts, if applicable, • the matrimonial property regime (in the case of married couples) or the asset status (in the case of registered civil partnerships).
Voraussetzungen	<p>There are co-heirs and they would like to apply for a joint certificate of inheritance. However, not all co-heirs are available to apply. The established heirs have a minimum quota, as there are other heirs who have not yet been established.</p>
Kosten	<ul style="list-style-type: none"> • The fees for a certificate of inheritance are regulated in the German Court and Notary Fees Act (GNotKG) and are based on the value of the estate after deduction of debts. • In addition to the fee for issuing a certificate of inheritance, there may be costs for declarations in lieu of an oath and notary fees - plus statutory VAT
Verfahrensablauf	<p>After you have applied for the certificate of inheritance, the local court will check your entitlement and issue the certificate of inheritance.</p>
Bearbeitungsdauer	<p>The processing time depends on the complexity of the inheritance case.</p>
Frist	<p>none</p>
weiterführende Informationen	<p>https://www.bmjv.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33</p>
Hinweise	<p> https://www.bmjv.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33 https://www.mj.niedersachsen.de/download/8161/Broschuere_Vererben_-_Erben._Was_Sie_vom_Erbrecht_wissen_sollten_PDF_ist_nicht_barrierefrei_.pdf https://www.mj.niedersachsen.de/download/89286/Broschuere_Vererben_-_erben_in_Leichter_Sprache_PDF_ist_nicht_barrierefrei_.pdf https://www.bmjv.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33 https://www.mj.niedersachsen.de/download/8161/Broschuere_Vererben_-_Erben._Was_Sie_vom_Erbrecht_wissen_sollten_PDF_ist_nicht_barrierefrei_.pdf </p>

Modul

Sachverhalt

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https://www.mj.niedersachsen.de/download/89286/Broschuere_Vererben_-_erben_in_Leichter_Sprache_PDF_ist_nicht_barrierefrei_.pdf

Rechtsbehelf

Appeal

If there are conflicting interests in the certificate of inheritance proceedings before the probate court, the probate court may not grant the certificate of inheritance immediately. The local court issues an order in which it states that it considers the facts required to justify the application for a certificate of inheritance to have been established.

Pursuant to Sections 58 and 63 FamFG, the parties involved then have the opportunity to lodge an appeal against this decision within a period of one month.

The certificate of inheritance is only issued if no one has lodged an appeal against the probate court's decision after the one-month period has expired and the decision has thus become legally binding.

In addition, pursuant to Section 59 FamFG, a person who was unable to convince the probate court with their arguments in the certificate of inheritance proceedings and whose rights have been impaired as a result can lodge an appeal.

Contestation

By applying for a certificate of inheritance, the inheritance is automatically deemed to have been accepted - it is then no longer possible to contest the inheritance.

Heirs can then only avoid the inheritance by contesting the certificate of inheritance. However, a reason for contesting must be proven. In principle, only the person who would benefit from a contestation may contest a certificate of inheritance. It is recommended that you seek legal advice from a lawyer.

Sole heir certificates: These can only be contested by

Modul	Sachverhalt
	<p>sole heirs.</p> <p>Partial certificates of inheritance and joint certificates of inheritance: Every heir within the community of heirs is entitled to contest the certificate. https://www.gesetze-im-internet.de/famfg/_58.html https://www.gesetze-im-internet.de/famfg/_59.html https://www.gesetze-im-internet.de/famfg/_63.html</p>
Kurztext	<ul style="list-style-type: none"> • If there are co-heirs, they can apply to the probate court for a joint certificate of inheritance • If this is not requested for all of them, it is only a joint certificate of inheritance • The certificate of inheritance is an official certificate issued by the probate court that provides information about the inheritance rights of certain persons • Determination of the minimum inheritance quota for other heirs who have not yet been determined • The minimum joint certificate of inheritance can be issued on the basis of a will or in accordance with the statutory order of succession
Ansprechpunkt	The locally competent district court.
Zuständige Stelle	<p>The locally competent district court.</p> <p>This is either the local court in whose district the deceased had his/her last habitual residence or the local court in whose district the deceased has his/her habitual residence. https://www.justizadressen.nrw.de/de/justiz/suche https://www.justizadressen.nrw.de/de/justiz/suche</p>
Formulare	Forms are not required.
Ursprungsportal	Einen gemeinschaftlichen Mindestteilerbschein beantragen, Applying for a community minimum sharing certificate