

99046068052000, 99046068052000

Confiscation of a joint certificate of inheritance

Heruntergeladen am 13.07.2025

<https://fimportal.de/xzufi-services/109527710/L100041>

Modul	Sachverhalt
Leistungsschlüssel	99046068052000, 99046068052000
Leistungsbezeichnung I	Confiscation of a joint certificate of inheritance
Leistungsbezeichnung II	Confiscation of a joint certificate of inheritance
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Brandenburg
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	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/_2361.html https://www.gesetze-im-internet.de/famfg/_353.html
Teaser	If it subsequently transpires that the heirs listed on the certificate of inheritance are not the real heirs, the certificate of inheritance can be revoked.
Volltext	If the probate court learns that the heirs listed in the certificate of inheritance are not the deceased's true heirs, it must revoke the certificate of inheritance ex officio. The certificate of inheritance thus becomes invalid and the supposed heirs listed in this incorrect certificate of inheritance can no longer jointly dispose of the estate. The withdrawal of the certificate of inheritance can also be requested from the court by the actual heir.
Erforderliche Unterlagen	The procedure is carried out ex officio by the probate court. If you apply for such proceedings, the following documents will be helpful: • Your identity card or passport, • the death certificate of the deceased person (testator), • the family record book 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 actually inherit are no longer heirs, e.g. their death certificates, declarations of inheritance or waivers of inheritance, • 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	There is a joint certificate of inheritance and this shows persons as heirs who are not heirs.

Modul	Sachverhalt
Kosten	The court shall determine the costs of the court proceedings regarding the withdrawal of the certificate of inheritance in accordance with Section 353 para. 2 sentence 1 FamFG. The amount of the costs is determined by the amount in dispute, which is calculated on the basis of the value of the estate less the debts.
Verfahrensablauf	The local court examines ex officio or upon application whether the certificate of inheritance is to be withdrawn due to incorrectness.
Bearbeitungsdauer	The processing time depends on the complexity of the inheritance case.
Frist	none
weiterführende Informationen	
Hinweise	
Rechtsbehelf	An appeal may be lodged against the confiscation order. 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 about the inheritance rights of certain persons - The joint certificate of inheritance can be issued on the basis of a will or according to the legal order of succession - If the heirs named in the certificate of inheritance are not the actual heirs, the certificate of inheritance can be revoked
Ansprechpunkt	The locally competent district court.
Zuständige Stelle	The district court (probate court) in whose district the deceased had his or her last habitual residence at the time of death has jurisdiction. In addition, any local court in whose district the applicant has his/her habitual residence may have jurisdiction by way of mutual legal assistance. https://www.justizadressen.nrw.de/de/justiz/suche https://www.justizadressen.nrw.de/de/justiz/suche

Modul	Sachverhalt
Formulare	Forms are not required.
Ursprungsportal	Einziehung eines gemeinschaftlichen Erbscheins, Confiscation of a joint certificate of inheritance