

99046010001001

Sole certificate of inheritance Legal succession

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/S1000020010000012507/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046010001001
Leistungsbezeichnung I	Sole certificate of inheritance Legal succession
Leistungsbezeichnung II	Apply for a sole inheritance certificate based on legal succession
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">sole heir</div> , <div lang="en-x-mtfrom-de">apply for a certificate of inheritance</div> , <div lang="en-x-mtfrom-de">identify a successor</div> , <div lang="en-x-mtfrom-de">universal heritage</div> , <div lang="en-x-mtfrom-de">inherit alone</div> , <div lang="en-x-mtfrom-de">Single inheritance certificate</div> , <div lang="en-x-mtfrom-de">Apply for a single inheritance certificate</div>
Leistungstyp	

Modul	Sachverhalt
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.02.2024
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • [§§ 2353 to 2370 German Civil Code (BGB)](https://www.gesetze-im-internet.de/bgb/_2353.html) • [Sections 352 to 352 e of the Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG)](https://www.gesetze-im-internet.de/famfg/_352.html) • [Fee table: Court and Notary Fees Act (GNotKG) Annex 2 (to Section 34 Paragraph 3)](https://www.gesetze-im-internet.de/gnotkg/anlage_2.html)
Teaser	If there is no will or inheritance contract from the testator and there are no other heirs besides you, you are the sole heir according to legal succession. As proof of your status as an heir, you can apply for a sole inheritance certificate from the probate court.
Volltext	<p>If the testator (the deceased person) did not leave a will or conclude an inheritance contract, legal succession occurs. In many cases you will need proof of your inheritance rights.</p> <p>The sole inheritance certificate shows that you alone are the legal successor to the testator. This gives you, for example, access to the deceased person's bank account or you can request entries in the land register.</p>
Erforderliche Unterlagen	To prove your status as an heir in the case of legal succession (if there is no will or inheritance contract), you must submit various documents. This involves

Modul

Sachverhalt

documenting all events in your family that are relevant to inheritance law and that relate to the testator. These can include marriage, divorce, births of children, deaths, renunciations of inheritance and the like. If you are not sure which documents you must submit, you can ask the responsible probate court.

- Your official photo ID (identity card or passport)
- Death certificate of the testator (deceased person)
- Documents to document the status as legal heir, for example:
 - Family register
 - Marriage certificates of the deceased
 - Birth certificates of the testator's children and grandchildren
 - Adoption documents
 - Divorce decrees with legal force
 - Evidence why certain persons who would actually be (co-)heirs are not heirs, for example:
 - Death certificates of children and grandchildren or spouses of the deceased
 - Declarations of renunciation of inheritance
 - Declarations of renunciation of inheritance
 - Information on whether there is a court case regarding your inheritance rights
 - For married couples, proof of marital property status
 - In the case of registered civil partnerships, proof of assets

If the testator had no children, the following must be submitted:

- Birth certificate of the testator
- If applicable, death certificates of the testator's parents
 - If applicable, birth certificates of the testator's siblings
 - If applicable, death certificates of the testator's siblings
 - If applicable, birth certificates of the testator's nieces and nephews

Modul	Sachverhalt
	In addition, marriage certificates of heirs must be submitted if their surname has changed as a result of the marriage.
Voraussetzungen	You can only apply for a certificate of inheritance if you are the sole heir.
Kosten	<ul style="list-style-type: none"> • The amount of the fees depends on the value of the estate after deducting the debts of the testator. <ul style="list-style-type: none"> • For example, the issuing of a certificate of sole heir by the probate court costs <ul style="list-style-type: none"> • for an estate value of EUR 30,000 EUR 125.00, • for an estate value of EUR 100,000 EUR 273.00 and • for an estate value of EUR 500,000 EUR 935.00. • In addition, you must pay fees of the same amount for the notarization of an affidavit at the probate court or at a notary. In addition, there may be clerical expenses and sales tax. • Applicants residing abroad are required to pay an advance on costs.
Verfahrensablauf	<p>You apply for a certificate of sole heir at the responsible probate court (usually the court in whose district the deceased last lived):</p> <ul style="list-style-type: none"> • Submit an application there for the issuance of a sole inheritance certificate. <ul style="list-style-type: none"> • To do so, use the online service "Make an appointment to submit an application for a certificate of inheritance". Using the online service, you can submit an application for an appointment to submit an application for a certificate of inheritance to the probate court responsible for you. <ul style="list-style-type: none"> • Alternatively, you can also use the form provided. • Attach all required documents. • You can also submit the application through an authorised person, such as a notary or a lawyer, or have it recorded in court. • The district court will contact you to arrange an appointment. • Make a personal sworn statement at the appointment before the district court or before a notary. This confirms that you are not aware of anything that would contradict the accuracy of the

Modul	Sachverhalt
	<p>information you provided in the application for a certificate of inheritance.</p> <ul style="list-style-type: none"> • This is not necessary if the district court waives it. • If a notary certifies the declaration under oath, this person can at the same time certify the application for a certificate of inheritance. • The local court checks your eligibility and issues the certificate of inheritance.
Bearbeitungsdauer	The processing time depends on the complexity of the inheritance case and the respective local court.
Frist	No
weiterführende Informationen	<p> https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg https://justiz.hamburg.de/gerichte-segmente/ https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/verfahrensarten/nachlassgericht-636948 https://justiz.hamburg.de/justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/verfahrensarten/nachlassgericht-636948 https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Erben_Vererben.pdf?__blob=publicationFile&v=14 https://www.bmj.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33 https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/services/nachlasstermine-636820 https://justiz.hamburg.de/justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/services/nachlasstermine-636820 https://www.bmj.de/DE/themen/themen_node.html https://www.bmj.de/DE/Themen/FamilieUndPartnerschaft/Erbrecht/Erbrecht_node.html https://justiz.hamburg.de/resource/blob/637464/b2fc49b461e8f1cc988c45390f5aa2ae/erbscheinsantrag-data.pdf https://justiz.hamburg.de/resource/blob/573470/acb60 </p>

Modul	Sachverhalt
	160ebe644fcd39ff3b01bf74aea/erbscheinsantrag-data.pdf
Hinweise	<p>**Please note:</p> <p>The probate court does not provide legal advice. Please contact the persons authorized to provide legal advice. These are lawyers or notaries.</p> <p>The Public Legal Advice Service (ÖRA) offers low-cost legal advice for people with low incomes.**</p>
Rechtsbehelf	<p>**Complaint**</p> <p>If there are conflicting interests in the inheritance certificate procedure before the probate court, the probate court may not issue the certificate of inheritance immediately. The district court issues a decision in which it states that it considers the facts necessary to justify the application for a certificate of inheritance to have been established. According to Sections 58 and 63 FamFG, those involved then have the opportunity to lodge a so-called appeal against this decision within a period of one month. The certificate of inheritance will only be issued if no one has lodged a complaint against the probate court's decision after the one-month period has expired and the decision has therefore become legally binding. In addition, according to Section 59 FamFG, the person who was unable to convince the probate court with their arguments in the inheritance certificate procedure and whose rights are thereby impaired can file a complaint.</p> <p>**challenge**</p> <p>By applying for the certificate of inheritance, the inheritance is automatically deemed to have been accepted - it is then no longer possible to renounce the inheritance.</p> <p>Heirs can then only avert the inheritance by contesting the acceptance of the inheritance. However, a reason must be proven that justifies the challenge (for example certain errors).</p> <p>It is recommended that you seek legal advice from a lawyer. The district court is not allowed to provide legal advice.</p>

Modul	Sachverhalt
	Application for confiscation of the certificate of inheritance
Kurztext	<ul style="list-style-type: none"> • Apply for sole inheritance certificate based on legal succession <ul style="list-style-type: none"> • Sole heir certificate granting legal succession • A sole heir can apply to the probate court for a sole heir certificate. • A certificate of inheritance is an official certificate issued by the probate court that provides information about the inheritance rights of a specific person. • If there is no will or inheritance contract, the certificate of inheritance is issued according to the legal order of succession.
Ansprechpunkt	If you want to find out exactly who is responsible for your request, please follow the link to [Hamburg Service](https://www.hamburg.de/service/info/hasi/12507)
Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)