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Community inheritance certificate issuance is subject to limitations

Heruntergeladen am 12.07.2025

<https://fimportal.de/xzufi-services/S1000020010000012614/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046068001003
Leistungsbezeichnung I	Community inheritance certificate issuance is subject to limitations
Leistungsbezeichnung II	Apply for a limited joint inheritance certificate
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">apply for a certificate of inheritance</div> , <div lang="en-x-mtfrom-de">Certificate of inheritance</div> , <div lang="en-x-mtfrom-de">several heirs</div> , <div lang="en-x-mtfrom-de">Estate abroad</div> , <div lang="en-x-mtfrom-de">Estate partly abroad</div> , <div lang="en-x-mtfrom-de">Certificate of inheritance for several people</div> , <div lang="en-x-mtfrom-de">Community of heirs Certificate of inheritance</div> , <div <="" td=""></div>

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	<div>lang="en-x-mtfrom-de">Inheritance abroad</div>, <div lang="en-x-mtfrom-de">Inheritance partly abroad</div></div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	26.09.2023
Fachlich freigegeben durch	
Handlungsgrundlage	<p>§§ 2353 – 2370 German Civil Code (BGB) Sections 352 to 352 e of the Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) Fee table: Court and Notary Fees Act (GNotKG) Annex 2 (to Section 34 Paragraph 3) § 58 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) § 59 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) § 63 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG)</p>
Teaser	<p>Each co-heir can apply to the probate court for a so-called joint inheritance certificate for several heirs. This can be limited to the estate items located in Germany if parts of the estate are located abroad.</p>
Volltext	<p>When a testator dies, he usually leaves behind not just one heir, but several. These become part of the so-called community of heirs when they inherit. In principle, each individual co-heir can apply for a certificate of inheritance with which he can identify himself as the rightful heir to third parties. However, if the community of heirs wants to appear together and act towards banks, insurers and the land registry office, a joint certificate of inheritance is often necessary. A certificate of inheritance limited to certain</p>

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items in Germany (objectively limited certificate of inheritance) can be issued by the probate court upon application if the estate (inherited assets) also includes items located abroad. A materially limited certificate of inheritance should be applied for if this speeds up the process for issuing the certificate of inheritance (for example, because no foreign inheritance law needs to be determined), or because the certificate of inheritance is not needed abroad and costs can be saved by restricting it.

Erforderliche Unterlagen

Your official photo ID (ID card or passport) Death certificate of the testator (deceased person) Documents to document your status as legal heir, for example: Family register Marriage certificates of the testator Birth certificates of the testator's children and grandchildren Adoption documents Divorce decrees with legal effect Proof why certain people who would actually be (co-)heirs are not heirs, for example: Death certificates of children and grandchildren or spouses of the testator Declarations of renunciation of inheritance Inheritance waivers Information about whether there is a court case regarding your inheritance law For married couples, proof of matrimonial property regime For registered civil partnerships, proof of assets If the testator himself 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 In addition, marriage certificates must be submitted by heirs if their last name has changed as a result of the marriage.

Voraussetzungen

There is a co-heir position and items of the estate are located both in Germany and abroad.

Kosten

The amount of the fees depends on the value of the estate (inherited assets) after deducting the debts of the testator (deceased person). For example, the issuing of a certificate of inheritance by the probate court costs: for an estate value of EUR 30,000 EUR 125.00 for an estate value of EUR 100,000 EUR 273.00 for an estate value of EUR 500,000 EUR 935.00 In

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addition, you must pay fees of the same amount for the notarization of an affidavit at the probate court or at a notary public. In addition, there may be additional costs for writing and sales tax. Applicants residing abroad may be required to pay an advance on costs.

Verfahrensablauf

You apply for a limited joint certificate of inheritance at the responsible probate court (usually the court in whose district the deceased last lived): Submit an application for a certificate of inheritance 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. Alternatively, you can also use the form provided. Attach all required documents. The application for a certificate of inheritance must only be submitted by one co-heir. 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 information you provided in the application for a certificate of inheritance. 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. After you have applied for the certificate of inheritance, the local court will check your eligibility and issue 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

<https://justiz.hamburg.de/gerichte/amtsgericht-hamburg>
<https://justiz.hamburg.de/gerichte-segmente/>
<https://www.hamburg.de/politik-und-verwaltung/behoerden/sozialbehoerde/einrichtungen/oera>
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<https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/verfahrensarten/nachlassgericht-636948>
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<https://justiz.hamburg.de/resource/blob/573470/acb60160ebe644fcd39ff3b01bf74aea/erbscheinsantrag-data.pdf>

Hinweise

Only one of the co-heirs must submit the application for a certificate of inheritance. 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 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. Please note: The probate court does not provide legal advice. Please contact the persons authorized to provide legal advice. These are lawyers or notaries. The Public Legal Advice Service (ÖRA) offers low-cost legal advice for people with low incomes.

Rechtsbehelf

Complaint If there are conflicting interests in the inheritance certificate procedure before the probate court, the probate court may not issue the inheritance certificate immediately. The district court issues a

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decision stating that it considers the facts necessary to substantiate the application for a certificate of inheritance to have been established. The parties then have the opportunity, in accordance with Sections 58 and 63 FamFG, to lodge an appeal against this decision within a period of one month. The certificate of inheritance will only be issued if, after the expiry of the one-month period, no one has lodged an appeal against the decision of the probate court and the decision has thus become final and binding. In addition, according to Section 59 FamFG, a person who was unable to convince the probate court with his or her arguments in the inheritance certificate procedure and whose rights are thereby impaired can file an appeal. Challenge By applying for the certificate of inheritance, the inheritance is automatically considered accepted – renouncing the inheritance is then no longer possible. Heirs can then only prevent the inheritance by contesting the acceptance of the inheritance. However, a reason must be provided that justifies the contestation (for example, certain errors). It is recommended that you seek legal advice from a lawyer. The district court is not permitted to provide legal advice. In the case of partial and joint inheritance certificates, each heir within the community of heirs is entitled to contest the certificate.

Kurztext

Apply for a limited joint inheritance certificate If there are co-heirs, they can apply to the probate court for a joint inheritance certificate. The certificate of inheritance is an official certificate issued by the probate court that provides information about the inheritance rights of certain people. The joint inheritance certificate can be issued based on a will or according to legal succession. Parts of the estate are located abroad.

Ansprechpunkt

If you want to find out exactly who is responsible for your request, please follow the link to

Hamburg Service

Zuständige Stelle

Hamburg District Court

Formulare

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Ursprungsportal

Hamburg Service, Hamburg Service (Currently this link is only available in german)