

99046010001000

# Apply for a certificate of inheritance

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/S1000020010000012805/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046010001000
Leistungsbezeichnung I	Apply for a certificate of inheritance
Leistungsbezeichnung II	Apply for a certificate of inheritance
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">Application for certificate of inheritance</div>, <div lang="en-x-mtfrom-de">Obtaining a certificate of inheritance</div>, <div lang="en-x-mtfrom-de">identify as heir</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	30.11.2023
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> <li>• [§§ 2353 to 2370 German Civil Code (BGB)](<a href="https://www.gesetze-im-internet.de/bgb/_2353.html">https://www.gesetze-im-internet.de/bgb/_2353.html</a>)</li> <li>• [Sections 352 to 352 e of the Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG)](<a href="https://www.gesetze-im-internet.de/famfg/_352.html">https://www.gesetze-im-internet.de/famfg/_352.html</a>)</li> <li>• [Fee table: Court and Notary Fees Act (GNotKG) Annex 2 (to Section 34 Paragraph 3)](<a href="https://www.gesetze-im-internet.de/gnotkg/anlage_2.html">https://www.gesetze-im-internet.de/gnotkg/anlage_2.html</a>)</li> </ul>
Teaser	If you are an heir, you often need a certificate of inheritance as proof of your right to inheritance. A certificate of inheritance can be issued based on legal succession or, if there is a will, on the basis of testamentary succession.
Volltext	<p>The probate court will issue you a certificate of inheritance. It certifies that you are an heir, i.e. that you are the legal successor to the testator. This is the case if you are appointed by law of succession, or if the deceased person named you as heir in the will or inheritance contract.</p> <p>For example, the inheritance certificate gives you access to the deceased person's bank accounts or you can request entries in the land register.</p> <p>As a rule, a certificate of inheritance is not necessary for a clear will recorded before a notary.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• Official photo ID, such as identity card or passport</li> <li>• Death certificate of the deceased person, i.e. the testator</li> <li>• Documents to document the status as legal heir, for</li> </ul>

Modul	Sachverhalt
	<p>example:</p> <ul style="list-style-type: none"> <li>• family register</li> <li>• marriage certificates of the deceased</li> <li>• Birth certificates of the testator's children and grandchildren</li> <li>• adoption documents</li> <li>• Divorce decrees with a note of legal force</li> <li>• Information on whether there is a lawsuit regarding your inheritance rights</li> <li>• Evidence why certain persons who would actually be (co-)heirs are not heirs, for example:               <ul style="list-style-type: none"> <li>• death certificates</li> <li>• declarations of renunciation of inheritance</li> <li>• declarations of renunciation of inheritance</li> <li>• If available, wills or inheritance contracts or at least the information about them, for example in the case of special official custody</li> <li>• for married couples: if applicable, proof of marital property status</li> <li>• in the case of registered civil partnerships: proof of assets if applicable</li> </ul> </li> </ul>
Voraussetzungen	As an heir, you can apply for a certificate of inheritance.
Kosten	<ul style="list-style-type: none"> <li>• 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"> <li>• For example, the issuing of a certificate of sole heir by the probate court costs                   <ul style="list-style-type: none"> <li>• for an estate value of EUR 30,000 EUR 125.00,</li> <li>• for an estate value of EUR 100,000 EUR 273.00 and</li> <li>• for an estate value of EUR 500,000 EUR 935.00.</li> </ul> </li> <li>• 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.</li> <li>• Applicants residing abroad are required to pay an advance on costs.</li> </ul> </li> </ul>
Verfahrensablauf	<p>You apply for a certificate of inheritance at the responsible probate court (usually the court in whose district the deceased last lived):</p> <ul style="list-style-type: none"> <li>• Submit your application for a certificate of inheritance there.</li> </ul>

**Modul**
**Sachverhalt**

- To do so, use the online service. Using the online service, you can submit a request to make an appointment to apply for a certificate of inheritance at the probate court responsible for you.
- Alternatively, you can also use the form provided.
- Attach all required documents to your letter.
- 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.
- The local court checks your eligibility and issues the certificate of inheritance.

**Bearbeitungsdauer**

Depends on the district court.

**Frist**

No

**weiterführende Informationen**

<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/Broschueren/Erben_Vererben.pdf?__blob=publicationFile&v=14)  
<https://www.bmj.de/SharedDocs/Publikationen/DE/Erben>

**Modul**
**Sachverhalt**

[en\\_Vererben.pdf?\\_\\_blob=publicationFile&v=33](https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/services/nachlasstermine-636820)  
<https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/services/nachlasstermine-636820>  
<https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/services/nachlasstermine-636820>  
<https://justiz.hamburg.de/resource/blob/637464/b2fc49b461e8f1cc988c45390f5aa2ae/erbscheinsantrag-data.pdf>  
<https://justiz.hamburg.de/resource/blob/573470/acb60160ebe644fcd39ff3b01bf74aea/erbscheinsantrag-data.pdf>

**Hinweise**

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 [])(<https://www.hamburg.de/oera/>) 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 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

**Modul**
**Sachverhalt**

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.

**\*\*challenge\*\***

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.

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).

It is recommended that you seek legal advice from a lawyer. The district court is not allowed to provide legal advice.

**\*\*Application for confiscation of the certificate of inheritance\*\***

**Kurztext**

- Apply for a certificate of inheritance
- Issuance of inheritance certificate
- An heir can apply for a certificate of inheritance from the probate court.
- A certificate of inheritance is an official certificate issued by the probate court that provides information about the inheritance rights of a specific person.
- Someone can be designated as an heir based on legal succession or on the basis of a will or inheritance contract.

**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/12805)

**Zuständige Stelle**

Hamburg District Court

**Formulare**

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