

99046068001011, 99046068001011

Apply for a limited joint certificate of inheritance as a preliminary or subsequent heir

Heruntergeladen am 06.07.2025

<https://fimportal.de/xzufi-services/376466642/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99046068001011, 99046068001011
Leistungsbezeichnung I	Apply for a limited joint certificate of inheritance as a preliminary or subsequent heir
Leistungsbezeichnung II	Apply for a limited joint certificate of inheritance as a preliminary or subsequent heir
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Erteilung (001)

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SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Erbschaft, Nachlass und Testament (1190200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.06.2021
Fachlich freigegen durch	Ministry of Justice of Lower Saxony
Handlungsgrundlage	§ 2353 BGB + §§ 352 - 352e FamFG https://www.gesetze-im-internet.de/famfg/_352b.html https://www.gesetze-im-internet.de/bgb/_2100.html https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG020002377 https://www.gesetze-im-internet.de/famfg/_352b.html https://www.gesetze-im-internet.de/bgb/_2100.html https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG020002377
Teaser	A joint certificate of inheritance may be issued for several heirs. Each co-heir may apply for a joint certificate of inheritance. It shows whether there is an antecedent and subsequent inheritance. If parts of the estate are located abroad, the certificate may be limited to specific items.
Volltext	<p>When a testator dies, he usually leaves not only one heir, but several. These heirs become part of the so-called community of heirs at the time of inheritance. The estate is only divided among the individual heirs in accordance with the agreements made after the inheritance has been divided.</p> <p>In principle, each individual co-heir can apply for a certificate of inheritance with which he or she can prove to third parties that he or she is the rightful heir. If, however, the community of heirs wishes to act jointly and to deal with banks, insurers and the land registry, a joint certificate of inheritance is often necessary.</p> <p>The order and duration of the use of the estate are</p>

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determined by the arrangement of a pre- and post-inheritance in the will. The testator appoints one person as a pre-heir who can use the estate for a period of time. The subsequent heir becomes the decedent's heir only when the prior inheritance ends.

The certificate of inheritance issued to the previous heirs must state that a succession to the inheritance has been ordered, the conditions under which it occurs and who the subsequent heir is.

A certificate of inheritance limited to the deceased's assets located in Germany (estate) (limited certificate of inheritance) may be issued by the probate court on application if the estate also includes property located abroad. A limited certificate of inheritance should be applied for if this speeds up the procedure for issuing the certificate of inheritance (e.g. because no foreign inheritance law has to be ascertained), or because the certificate of inheritance is not required abroad and costs can be saved by the restriction.

https://www.gesetze-im-internet.de/famfg/_352c.html
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Erforderliche Unterlagen

- Your identity card or passport,
- the death certificate of the deceased person (testator),
- the family register to document your relationship,
- information on whether there is a lawsuit concerning your inheritance,
- names and addresses of co-heirs,
- evidence of the reasons why certain persons who would actually inherit are no longer heirs, for example, their death certificates, letters testamentary or declarations of renunciation of inheritance,
- if applicable, wills or inheritance contracts,
- the matrimonial property regime (in the case of married couples) or the property status (in the case of registered civil partnerships),
- proof that objects of the estate are located abroad.

Voraussetzungen

There are co-heirs and they would like to apply for a joint certificate of inheritance and the testator has arranged for a preliminary and subsequent inheritance in a testamentary disposition and the objects of the

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	estate are located both in Germany and abroad.
Kosten	<ul style="list-style-type: none"> • The fees for a certificate of inheritance are governed by the German Law on Court and Notarial Fees (Gerichts- und Notarkostengesetz, GNotKG) and are based on the value of the estate after deduction of debts. • In addition to the fee for the issue of a certificate of inheritance, costs for affidavits and notary fees may be incurred - plus statutory VAT.
Verfahrensablauf	After you have applied for the certificate of inheritance, the local court checks the eligibility and issues the certificate of inheritance.
Bearbeitungsdauer	The processing time depends on the complexity of the inheritance case.
Frist	none
weiterführende Informationen	https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Erben_Vererben.html https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Erben_Vererben.html
Hinweise	
Rechtsbehelf	<p>Complaint</p> <p>Insofar as there are conflicting interests in the inheritance certificate proceedings before the probate court, the probate court may not grant the inheritance certificate immediately. The Local Court issues an order in which it states that it considers the facts required to substantiate the application for a certificate of inheritance to have been established.</p> <p>Pursuant to §§ 58, 63 FamFG, the parties then have the opportunity to appeal against this order within a period of one month.</p> <p>The certificate of inheritance is only granted if, after the expiry of the one-month period, no one has lodged an appeal against the order of the probate court and the order has thus become final.</p>

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In addition, pursuant to § 59 FamFG, an appeal may be lodged by a person who has not been able to convince the probate court with his or her arguments in the inheritance certificate proceedings and whose rights are thereby impaired.

Contest

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 the certificate of inheritance must be proven. In principle, only the person who would benefit from a contestation may contest a certificate of inheritance. It is recommended to seek legal advice from a lawyer in this regard.

Sole Inheritance Certificates: These can only be contested by sole heirs.

Partial and joint certificates of inheritance: Each heir within the community of heirs is entitled to contest a certificate of inheritance.

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

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https://www.gesetze-im-internet.de/famfg/_63.html

Kurztext

- In the will, a pre- and post-inheritance is arranged.
- If there are co-heirs, they can apply to the probate court for a joint certificate of inheritance.
- The certificate of inheritance is an official document issued by the probate court which provides information on the inheritance rights of certain persons.
- The joint certificate of inheritance can be issued on the basis of a will or in accordance with intestate succession.
- Parts of the estate are located abroad

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Ansprechpunkt	The local court having jurisdiction.
Zuständige Stelle	<p>The local court with jurisdiction.</p> <p>This is either the local court in whose district the deceased had his or her last habitual residence or the local court in whose district the disclaimant has his or her habitual residence.</p> <p>https://www.justizadressen.nrw.de/de/justiz/suche https://www.justizadressen.nrw.de/de/justiz/suche</p>
Formulare	Forms are not required.
Ursprungsportal	Apply for a limited joint certificate of inheritance as a preliminary or subsequent heir, Einen gegenständlich beschränkten gemeinschaftlichen Erbschein beantragen als Vor- bzw. Nacherbe