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Estate Protection

Heruntergeladen am 27.06.2025

<https://fimportal.de/xzufi-services/6000309/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99046014088000
Leistungsbezeichnung I	Estate Protection
Leistungsbezeichnung II	Estate Protection
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

Modul

Sachverhalt

Fachlich freigegeben durch

Handlungsgrundlage

- § 1960 Bürgerliches Gesetzbuch (BGB) – Sicherung des Nachlasses; Nachlasspfleger
 - § 1961 BGB – Nachlasspflegschaft auf Antrag
 - § 1962 BGB – Zuständigkeit des Nachlassgerichts
 - Gesetz über Kosten der freiwilligen Gerichtsbarkeit für Gerichte und Notare (Gerichts- und Notarkostengesetz – GNotKG), Anlage 1 (zu § 3 Absatz 2) Kostenverzeichnis, Nummer 12310 folgend
- Sicherung des Nachlasses einschließlich der Nachlasspflegschaft, Nachlass- und Gesamtgutsverwaltung

Teaser

Until the acceptance of an inheritance, the probate court shall provide for the safeguarding of the estate to the extent that there is a need to do so. The same applies if the heirs are unknown or if it is uncertain whether they have accepted the inheritance.

Volltext

Until the acceptance of an inheritance, the probate court shall provide for the safeguarding of the estate to the extent that there is a need to do so. The same applies if the heirs are unknown or if it is uncertain whether they have accepted the inheritance.

The following, for example, may be considered as security measures

- Appointment of a guardian of the estate
 - Sealing (marking of objects of the estate)
 - Deposit of money, securities and valuables
 - Recording a list of the estate
 - other security measures such as Blocking of accounts
- Ordering the sale of perishable goods

The duties of the guardian of the estate include in particular (unless the guardianship of the estate is limited to individual duties) ascertaining the existence of the estate, taking possession of the estate and identifying the heirs. The guardian of the estate prepares an inventory of the estate and submits it to the court. In order to identify the heirs, he may make enquiries or place advertisements. The guardian may charge his expenses to the estate and take them from

Modul	Sachverhalt
	the estate.
Erforderliche Unterlagen	on a case-by-case basis
Voraussetzungen	on a case-by-case basis
Kosten	• Proceedings in general: 0.5 times the fee rate (depending on the value of the estate) • Guardianship of the estate (annual fee): EUR 10.00 per EUR 5,000 or part thereof of the estate value, at least EUR 200.00 Additional fees may be charged for sealing, unsealing and recording a list of the estate. If a guardian of the estate is appointed, he or she shall be entitled to compensation for expenses or remuneration. The costs shall be borne by the final heir.
Verfahrensablauf	The probate court is obliged to ensure the security of the estate of the deceased person ex officio if there is a need for security measures. • In principle, the probate court is free to choose the means of securing the estate. The type of security measures in detail is left to the court's dutiful discretion. However, it must be guided in its decision by the property interests of the ultimate heir. • The probate court shall appoint a guardian of the estate if the appointment is requested by the entitled person for the purpose of judicial assertion of a claim directed against the estate.
Bearbeitungsdauer	
Frist	none
weiterführende Informationen	
Hinweise	
Rechtsbehelf	The heir or co-heir, the acquirer of an inheritance share or a creditor of the estate who has attached an inheritance share or has an enforceable title may lodge an appeal against the order of the guardianship of the estate pursuant to section 59 FamFG.

Modul	Sachverhalt
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	