

99014008026000

Conclude a marriage contract

Heruntergeladen am 06.07.2025

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Modul	Sachverhalt
Leistungsschlüssel	99014008026000
Leistungsbezeichnung I	Conclude a marriage contract
Leistungsbezeichnung II	Conclude a marriage contract
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

- §§ 1363 bis 1563 Bürgerliches Gesetzbuch (BGB) – Eheliches Güterrecht
- § 100 Gesetz über Kosten der freiwilligen Gerichtsbarkeit für Gerichte und Notare (GNotKG), Nr. 21100 Kostenverzeichnis zu § 3 Abs. 2 GNotK

Teaser

With a marriage contract, you can make arrangements regarding the legal consequences of the marriage and in the event of divorce, for example regarding property law, maintenance or pension equalisation. If you are considering a marriage contract, you should seek advice from a notary. Notaries are responsible for the necessary notarisation, will also draw up a contract for you and advise both partners neutrally. In certain constellations, you should therefore check whether it makes sense for one partner to obtain unilateral legal advice - at additional cost - in advance.

Volltext

Advice on legal consequences

With a marriage contract, you can make arrangements regarding the legal consequences of the marriage and in the event of divorce, for example regarding property law, maintenance or pension equalisation. If you are considering a marriage contract, you should seek advice from a notary. Notaries are responsible for the necessary notarisation, will also draw up a contract for you and advise both partners neutrally. In certain constellations, you should therefore check whether it makes sense for one partner to obtain unilateral legal advice - at additional cost - in advance.

Ask exactly what effects the arrangements you want will have. Some agreements, for example if they disadvantage one spouse unilaterally, could be immoral and therefore invalid. The Federal Court of Justice and the Federal Constitutional Court have made important statements on this in recent decisions. Although the marriage contract does not require judicial approval, it is subject to content review in court proceedings in order to avoid immoral results or results that are contrary to good faith.

Modul
Sachverhalt
Notarisation

Due to their far-reaching personal and economic provisions and the associated significance for the spouses, marriage contracts must be notarised. If this form is not observed, they are null and void.

Maintenance agreements between spouses must also be notarised if they are made before the divorce becomes final and regulate a maintenance obligation after the divorce. Similarly, agreements on pension equalisation (equalisation of acquired pension entitlements upon divorce) made before the divorce becomes final must be notarised. A court-recorded settlement replaces the notarised form.

If the spouses submit to immediate enforcement, enforcement can also be carried out from a notarised deed - as with a court judgement.

Note: Agreements on the equalisation of accrued gains after a legally binding divorce can generally be made without any formal requirements.

Erforderliche Unterlagen
Voraussetzungen
Kosten

- Court and notary fees

The costs are based on the combined, so-called modified net assets of both spouses (assets minus liabilities up to half of the assets).

Example: If the modified net assets of both spouses total EUR 90,000, fees of EUR 492.00 are incurred for the exclusion of equalisation of accrued gains. In addition, there is a flat-rate document fee for the contract (approx. EUR 2.00 depending on the scope of the contract) as well as a regular flat-rate fee for post and telecommunications of EUR 20.00. These are net amounts, so VAT must be added.

Verfahrensablauf

Both spouses appear in person at the notary's office for the notarisation.

Bearbeitungsdauer

Modul	Sachverhalt
Frist	Marriage contracts can be concluded before the marriage and also during the marriage.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	non applicable
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	