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Division of household effects on request after divorce

Heruntergeladen am 21.06.2025

<https://fimportal.de/xzufi-services/6000484/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99046044221000
Leistungsbezeichnung I	Division of household effects on request after divorce
Leistungsbezeichnung II	Division of household effects on request after divorce
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	

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Ansprechpartner

Fachlich freigegeben am

Fachlich freigegeben durch

Handlungsgrundlage

- § 1361a Bürgerliches Gesetzbuch (BGB) – Aufteilung der Haushaltsgegenstände bei Getrenntlebenden
- § 1568b BGB – Behandlung der Haushaltsgegenstände anlässlich der Scheidung
- §§ 200 ff. Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit (FamFG) - Verfahren in Ehewohnungs- und Haushaltssachen

Teaser

At the latest after the divorce, the spouses should divide the entire household effects (household effects) equally. This includes household contents that are usually used for the home, the household and the family living together in the common household (for example, furniture, crockery, entertainment electronics, common laundry, sports equipment and works of art).

Volltext

Application for division of household stuff (division of residence contents)

At the latest after the divorce, the spouses should divide the entire household effects (household effects) equally. This includes household contents that are usually used for the home, the household and the family living together in the common household (for example, furniture, crockery, entertainment electronics, common laundry, sports equipment and works of art).

Court proceedings can be lengthy and costly, so you should always seek an amicable settlement first. An out-of-court settlement could also include compensation payments.

If the spouses cannot agree on the division, the family court will divide the household goods on application. Within the frames of the court proceedings, each spouse can also demand an appropriate equalisation

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payment for the transfer of his or her co-ownership share in a household object. The resulting mutual equalisation claims can be offset. This is to compensate for the fact that a transfer of household goods of equal value cannot take place.

The application for division of the common household effects is often filed in connection with a divorce and is heard together with other matrimonial matters in common proceedings. However, you can also file the application after the divorce. In this case, the application must be filed with the family court of the district court in whose district the common home of the spouses is located or, if this no longer exists due to the divorce proceedings being concluded, in whose district the respondent has his or her habitual residence.

Assignment to household goods

- It must be a household item.
- The household contents must belong to both spouses shared: Household goods acquired during the marriage for the household are deemed to be owned by the spouses for the purposes of distribution, unless the sole ownership of one spouse is established (the spouse claiming sole ownership must prove this in the proceedings).

Household goods do not include:

- Things intended exclusively as a capital investment (example: shares)
- Items for personal use (example: clothing)
- Household contents acquired by one spouse before the marriage or after the separation

Whether vehicles are considered "household goods" or "other property" depends mainly on how they are used:

- as household goods: use for predominantly family purposes
- as other property: predominant use by one spouse for commuting to work

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Erforderliche Unterlagen	<ul style="list-style-type: none"> • if applicable, proof of ownership such as invoices, purchase contracts; proof of use for professional purposes (example: vehicle) • List of all household effects (i.e. including those already distributed and those on which an agreement has been reached) as proof of amicable settlement
Voraussetzungen	<ul style="list-style-type: none"> • You are divorced from your spouse. • An amicable agreement on the division of household effects has failed. • Divorce proceedings have been concluded.
Kosten	<ul style="list-style-type: none"> • Court and lawyer fees <p>Tip: The fees depend on the value of the proceedings as determined by the court. If there is no court decision or if the application is withdrawn, the fee is reduced.</p>
Verfahrensablauf	<p>In any case, it is advisable to consult a lawyer before handing in the application. In order to divide the property in accordance with the interests of the parties, all household goods and their value must be recorded, including those that have already been distributed and those in respect of which an agreement could be reached. The applicant must therefore list all household contents.</p> <p>The family court (Familiengericht) will first always try to reach an agreement between the spouses on the division of household goods and assets.</p> <ul style="list-style-type: none"> • If an amicable solution is not possible, the family court decides at its own discretion. In doing so, it must take into account the circumstances of the individual case and include the best interests of the children in its considerations. • If it is not possible to transfer household goods of equal value, an appropriate compensation payment may be determined.
Bearbeitungsdauer	
Frist	none Attention! The family law claim for the division of household effects on the occasion of divorce is not

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	subject to the statute of limitations.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	