

99046014088000, 99046014088000

Rebate protection

Heruntergeladen am 26.06.2025

<https://fimportal.de/xzufi-services/9575322/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99046014088000, 99046014088000
Leistungsbezeichnung I	Rebate protection
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Anordnung (088)
SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein

Modul	Sachverhalt
Fachlich freigegeben am	12.05.2021
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/_1984.html https://www.gesetze-im-internet.de/bgb/_1960.html https://www.gesetze-im-internet.de/bgb/_1984.html https://www.gesetze-im-internet.de/bgb/_1960.html
Teaser	<p>It is not uncommon for someone to die without leaving a will or without relatives who would be known.</p> <p>If the estate consists of more assets than liabilities, the probate court appoints a guardian of the estate.</p>
Volltext	<p>It is not uncommon for someone to die without leaving a will or without any known relatives. If the estate consists of more assets than liabilities, the probate court appoints a guardian of the estate. This guardian secures and administers the estate and searches for relatives.</p> <p>If, despite all efforts, no blood relatives can be identified, or if the heirs do not accept the inheritance, the estate falls to the state. The guardianship of the estate ends when an heir/heiress is identified or there is no longer a need for care. For example, because the estate has been deposited with the deposit office of the district court.</p>
Erforderliche Unterlagen	The application for the establishment of a guardianship of the estate can be made informally.
Voraussetzungen	<ul style="list-style-type: none"> • Without the intervention of the competent body, the preservation of the estate would be jeopardized. • The heir/heiress is unknown. • It is uncertain whether the heir/heiress will accept the inheritance. • If the applicant is a creditor of the estate (the person who has outstanding claims against the deceased), he/she must demonstrate an interest in legal protection of the estate. He/she must present the intention to assert a claim against the estate in court. For example, by presenting the lease agreement with the deceased.

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Kosten	<p>The costs of the probate guardianship proceedings shall be borne by the heir. The application for the establishment of a guardianship of the estate is free of charge.</p> <p>An annual fee is payable for the guardianship of the estate in accordance with the Law on Court and Notarial Costs. It amounts to 10 euros per 5,000 euros or part thereof of the estate value, but at least 200 euros.</p> <p>In addition, the guardian of the estate appointed by the court receives a fee. The amount is agreed individually.</p>
Verfahrensablauf	<ul style="list-style-type: none"> • The creditor of the estate files an informal application for the establishment of a guardianship of the estate with the probate court. • The probate court examines whether the estate needs to be secured. • If this is the case, the probate court shall establish a guardianship of the estate. The guardianship of the estate ends when the need for security no longer exists, for example, because an heir has been found.
Bearbeitungsdauer	The application is processed immediately due to its urgency.
Frist	None
weiterführende Informationen	<p>Information from the Federal Ministry of Justice on inheritance and bequests</p> <p>https://www.bmjv.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33</p> <p>https://www.bmjv.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33</p>
Hinweise	<p>Overindebted estate</p> <p>When someone dies and leaves an over-indebted estate, a guardianship of the estate is not established. It is not the court's responsibility to provide for the settlement of debts owed to creditors.</p> <p>The state does not pay estate debts, nor does it pay for</p>

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	costs incurred by creditors.
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Heir/heiress is unknown • Uncertain whether heir/heiress will accept the inheritance • Estate/assets of the deceased exist and are to be secured
Ansprechpunkt	
Zuständige Stelle	<p>The locally competent probate court. This is the local court in whose district the deceased had his/her last habitual residence.</p> <p>https://www.justizadressen.nrw.de/de/justiz/suche https://www.justizadressen.nrw.de/de/justiz/suche</p>
Formulare	
Ursprungsportal	Rebate protection, Estate Protection, Nachlasssicherung