

99046014088000, 99046014088000

# Probate guardianship order

Heruntergeladen am 26.06.2025

<https://fimportal.de/xzufi-services/355102/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99046014088000, 99046014088000
Leistungsbezeichnung I	Probate guardianship order
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Anordnung (088)
SDG-Informationsbereich	Erbsprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	Erbschaft, Nachlass und Testament (1190200)
Einheitlicher Ansprechpartner	Nein

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Fachlich freigegeben am	04.01.2023
Fachlich freigegeben durch	Thuringian Ministry for Migration, Justice and Consumer Protection
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/bgb/_1960.html">https://www.gesetze-im-internet.de/bgb/_1960.html</a> <a href="https://www.gesetze-im-internet.de/bgb/_1960.html">https://www.gesetze-im-internet.de/bgb/_1960.html</a>
Teaser	It is not uncommon for someone to die without leaving a will or without relatives who would be known. Under certain circumstances, the probate court appoints a guardian of the estate.
Volltext	<p>It is not uncommon for someone to die without leaving a will or without any known relatives. Under certain circumstances, the probate court then appoints a guardian of the estate. This person secures and administers the estate and searches for relatives.</p> <p>If, despite all efforts, no relatives can be identified or the heirs do not accept the inheritance, the estate falls to the state. The guardianship of the estate is terminated by the court if an heir is identified or if 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"> <li>• Without the intervention of the competent body, the preservation of the estate would be jeopardized.</li> <li>• The heir/heirress is unknown or it is uncertain whether the heir/heirress will accept the inheritance.</li> <li>• 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.</li> </ul>
Kosten	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.

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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.

In addition, the professional guardian of the estate appointed by the court receives remuneration in the same way as a professional guardian. The honorary guardian of the estate, on the other hand, works free of charge, but can demand reimbursement of expenses or a lump-sum expense allowance (425 euros per year).

**Verfahrensablauf**

- The creditor of the estate (person who has outstanding claims against the deceased) submits an informal application for the establishment of a guardianship of the estate to the probate court.
- The probate court examines the need for security of the estate.
- If this is the case, the probate court establishes a guardianship of the estate. The court cancels the guardianship if 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**
**Hinweise**

If someone dies and leaves behind an overindebted estate, this alone does not establish a guardianship of the estate. It is not the task of the court to ensure that debts are settled with creditors.

The state does not pay estate debts and does not pay for costs incurred by creditors.

**Rechtsbehelf**
**Kurztext**

- Estate administration arrangement
- It is not uncommon for someone to die without

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leaving a will or without any known relatives. Under certain circumstances, the probate court then appoints a guardian of the estate. This person secures and administers the estate and searches for relatives.

- Requirements: Without the intervention of the competent body, the preservation of the estate would be jeopardized. The heir/heiress is unknown or 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 a legal interest in securing 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.

- The application for the establishment of a guardianship of the estate can be made informally.

- Competence: The probate court with local jurisdiction. This is the district court in whose district the deceased had his/her last habitual residence.

**Ansprechpunkt**
**Zuständige Stelle**

The locally competent probate court. This is the local court in whose district the deceased had his/her last habitual residence.

<https://www.justizadressen.nrw.de/de/justiz/suche>

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**Formulare**
**Ursprungsportal**

Probate guardianship order, Nachlasspflegschaft Anordnung