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Ordering the guardianship of an estate

Heruntergeladen am 26.06.2025

<https://fimportal.de/xzufi-services/231451579/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99046014088000, 99046014088000
Leistungsbezeichnung I	Ordering the guardianship of an estate
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Rheinland-Pfalz
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (silber)
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	Erbschaft, Nachlass und Testament (1190200)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	14.08.2020
Fachlich freigegeben durch	Lower Saxony Ministry of Justice
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 any known relatives.</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 person secures and administers the estate and searches for relatives.</p> <p>If, despite all efforts, no blood relatives can be found, or if the heirs do not accept the inheritance, the estate falls to the state. The guardianship of the estate ends when an heir has been identified or there is no longer a need for care. For example, because the estate has been deposited with the deposit office of the local 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 authority, the preservation of the estate would be jeopardized. • The heir is unknown. • It is uncertain whether the heir 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 securing the estate. He/she must state the intention to assert a claim against the estate in court. For example, by

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	presenting the rental agreement with the deceased.
Kosten	<p>The costs of the probate administration procedure are 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 administration of the estate in accordance with the German Court and Notary Costs Act (Gerichts- und Notarkostengesetz), which amounts to EUR 10 per EUR 5,000 or part thereof of the estate value, but at least EUR 200.</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 submits an informal application to the probate court for the establishment of a guardianship of the estate. • The probate court examines whether the estate needs to be secured. • If this is the case, the probate court will set up a guardianship of the estate. The probate administration ends when the need for security ceases, for example because an heir has been found.
Bearbeitungsdauer	The application is processed immediately due to its urgency.
Frist	None
weiterführende Informationen	
Hinweise	<p>Over-indebted estate</p> <p>If someone dies and leaves an over-indebted estate, a guardianship of the estate is not set up. It is not the court's task to settle debts with creditors.</p> <p>The state does not pay any debts of the estate and does not cover any costs incurred by creditors.</p>
Rechtsbehelf	

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Kurztext	<ul style="list-style-type: none"> • Heir/heiress is unknown • It is uncertain whether the heir/heiress will accept the inheritance • Estate/assets of the deceased are available and must 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	Nachlasspflegeschaft anordnen, Ordering the guardianship of an estate