99046068001011, 99046068001011

Community certificate of inheritance issues pre- or post-inheritance in a limited way

Heruntergeladen am 06.07.2025

https://fimportal.de/xzufi-services/237998721/L100039

Modul	Sachverhalt
Leistungsschlüssel	99046068001011, 99046068001011
Leistungsbezeichnung I	Community certificate of inheritance issues pre- or post-inheritance in a limited way
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Rheinland-Pfalz
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen

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	Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	Erbschaft, Nachlass und Testament (1190200), Urkunden und Bescheinigungen (1070200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.06.2021
Fachlich freigegen durch	Lower Saxony Ministry of Justice
Handlungsgrundlage	§ 2353 BGB + §§ 352 - 352e FamFG https://www.gesetze-im-internet.de/famfg/__352b.html https://www.gesetze-im-internet.de/bgb/__2100.html https://www.gesetze-im-internet.de/bgb/BJNR0019508 96.html#BJNR001950896BJNG020002377 https://www.gesetze-im-internet.de/famfg/__352b.html https://www.gesetze-im-internet.de/bgb/__2100.html https://www.gesetze-im-internet.de/bgb/BJNR0019508 96.html#BJNR001950896BJNG020002377
Teaser	A joint certificate of inheritance may be issued for several heirs. Any co-heir may apply for a joint certificate of inheritance. It shows whether there is a pre- and post-inheritance. If parts of the estate are located abroad, it can be limited in substance.
Volltext	When a testator dies, he usually leaves not just one heir, but several. These enter the so-called community of heirs with inheritance. Only after the inheritance dispute has taken place is the estate divided among the individual heirs in accordance with the agreements made. In principle, each individual co-heir can apply for a certificate of inheritance with which he can identify himself as a legal heir to third parties. However, if the community of heirs wants to act together and act vis-à-vis banks, insurers and the land registry, a joint certificate of inheritance is often required. With the arrangement of a pre- and post-inheritance in the will, the order and duration of the use of the estate are determined. The testator appoints a person as a pre-heir who can use the inheritance for a period of

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	time. The heir only becomes the heir of the testator when the previous inheritance ends.

The certificate of inheritance issued to the previous heirs shall state that a succession is ordered, under what conditions it occurs and who is the successor.

A certificate of inheritance (herein referred to as a limited certificate of inheritance) limited to the assets of the testator (estate) located in Germany can be issued by the probate court on application if the estate also includes objects that are located abroad. A limited certificate of inheritance should be applied for if this speeds up the procedure for issuing the certificate of inheritance (e.B. because no foreign inheritance law has to be determined), or because the certificate of inheritance is not needed abroad and costs can be saved by the restriction.
https://www.gesetze-im-internet.de/famfg/__352c.html
https://www.gesetze-im-internet.de/famfg/__352c.html |
| **Erforderliche Unterlagen** | • your identity card or passport,
• the death certificate of the deceased person (testator),
• the family record book for the documentation of kinship,
• information on whether there is a process for your inheritance law,
• the names and addresses of the co-heirs,
• Proof of the reason why certain persons who would actually inherit are no longer heirs, for example their death certificates, waivers of inheritance or declarations of renunciation of inheritance,
• if applicable, wills or contracts of inheritance,
• the matrimonial property regime (in the case of spouses) or the property regime (in the case of registered civil partnerships),
• Proof that objects of the estate are located abroad. |
| **Voraussetzungen** | There are co-heirs and they want to apply for a joint certificate of inheritance and the testator has ordered a pre- and post-inheritance in a testamentary disposition and estate objects are located both in Germany and abroad. |

Modul	Sachverhalt
Kosten	• The fees for a certificate of inheritance are regulated in the Court and Notary Costs Act (GNotKG) and are based on the value of the estate after deduction of the debts. • In addition to the fee for issuing a certificate of inheritance, there may be costs for affidavits and notary fees – plus the statutory value added tax.
Verfahrensablauf	After you have applied for the certificate of inheritance, the district court checks the eligibility and issues the certificate of inheritance.
Bearbeitungsdauer	The processing time depends on the complexity of the inheritance.
Frist	none
weiterführende Informationen	https://www.bmjv.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33
Hinweise	
Rechtsbehelf	Complaint Insofar as conflicting interests exist in the inheritance certificate proceedings before the probate court, the probate court may not issue the certificate of inheritance immediately. The district court issues an order in which it states that it considers the facts necessary to substantiate the application for a certificate of inheritance to be established. In accordance with §§ 58, 63 FamFG, the parties then have the opportunity to appeal against this decision within a period of one month. The certificate of inheritance is only issued if, after the expiry of the period of one month, no one has lodged an appeal against the decision of the probate court and the decision has thus become final. In addition, according to § 59 FamFG, the person who could not convince the probate court with his arguments in the inheritance certificate proceedings and is thus impaired in his rights can lodge an appeal.

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	Appeal
	By applying for the certificate of inheritance, the inheritance is automatically deemed to have been accepted – an inheritance strike is then no longer possible.
	Heirs can then only avert the inheritance by contesting the certificate of inheritance. For this, however, a reason for contestation must be proven. In principle, only the person who would benefit from a challenge may contest a certificate of inheritance. It is recommended to seek legal advice from a lawyer.
	Sole inheritance certificates: These can only be challenged by sole heirs.
	Partial certificates and joint certificates of inheritance: Every heir within the community of heirs is entitled to contest.
	https://www.gesetze-im-internet.de/famfg/__58.html
	https://www.gesetze-im-internet.de/famfg/__59.html
	https://www.gesetze-im-internet.de/famfg/__63.html
	https://www.gesetze-im-internet.de/famfg/__58.html
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	https://www.gesetze-im-internet.de/famfg/__63.html
Kurztext	• In the will, a pre- and post-inheritance is ordered.
	• If co-heirs exist, they can apply to the probate court for a joint certificate of inheritance
	• The certificate of inheritance is an official certificate issued by the probate court that provides information on the right of succession of certain persons
	• The joint certificate of inheritance can be issued on the basis of a will or according to the legal succession
	• Parts of the estate are located abroad
Ansprechpunkt	
Zuständige Stelle	
Formulare	Forms are not required.
Ursprungsportal	Gemeinschaftlicher Erbschein erteilen Vor- bzw. Nacherbe gegenständlich beschränkt, Community certificate of inheritance issues pre- or

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	post-inheritance in a limited way