

99046010052000, 99046010052000

# Withdrawal of a sole heir certificate

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/430828822/L100040>

| Modul                     | Sachverhalt                                                                                 |
|---------------------------|---------------------------------------------------------------------------------------------|
| Leistungsschlüssel        | 99046010052000, 99046010052000                                                              |
| Leistungsbezeichnung I    | Withdrawal of a sole heir certificate                                                       |
| Leistungsbezeichnung II   | Withdrawal of a sole heir certificate                                                       |
| Typisierung               | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug                                      |
| Quellredaktion            | Niedersachsen                                                                               |
| Freigabestatus Katalog    | unbestimmter Freigabestatus                                                                 |
| Freigabestatus Bibliothek | fachlich freigegeben (silber)                                                               |
| Begriffe im Kontext       |                                                                                             |
| Leistungstyp              | Leistungsobjekt mit Verrichtung                                                             |
| Leistungsgruppierung      | Gerichtliche Leistungen (046)                                                               |
| Verrichtungskennung       | Einziehung (052)                                                                            |
| SDG-Informationsbereich   | Erbsprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften |
| Lagen Portalverbund       | Urkunden und Bescheinigungen (1070200), Erbschaft, Nachlass und Testament (1190200)         |
| Einheitlicher             |                                                                                             |

| Modul                      | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Ansprechpartner            | Nein                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Fachlich freigegeben am    | 25.10.2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Fachlich freigegeben durch | Ministry of Justice of Lower Saxony                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Handlungsgrundlage         | <a href="https://www.gesetze-im-internet.de/bgb/_2361.html">https://www.gesetze-im-internet.de/bgb/_2361.html</a><br><a href="https://www.gesetze-im-internet.de/famfg/_353.html">https://www.gesetze-im-internet.de/famfg/_353.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Teaser                     | If it subsequently transpires that the heir named in the certificate of inheritance is not the real heir, the certificate of inheritance can be revoked.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Volltext                   | If the probate court learns that the heir listed in the certificate of inheritance is not the deceased's real heir, it must revoke the certificate of inheritance ex officio. The certificate of inheritance thus becomes invalid and the alleged heir listed in this incorrect certificate of inheritance can no longer dispose of the estate. The withdrawal of the certificate of inheritance can also be requested from the court by the actual heir or the actual heiress.                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Erforderliche Unterlagen   | <p>The procedure is carried out ex officio by the probate court. If you apply for such proceedings, the following documents will be helpful:</p> <ul style="list-style-type: none"> <li>• Your identity card or passport,</li> <li>• the death certificate of the deceased person (testator),</li> <li>• the family record book to document the relationship,</li> <li>• Information on whether there is a lawsuit concerning your inheritance rights,</li> <li>• Names and addresses of the co-heirs,</li> <li>• Proof of the reason why certain persons who would actually inherit are no longer heirs, e.g. their death certificates, declarations of inheritance or waivers of inheritance,</li> <li>• wills or inheritance contracts, if applicable,</li> <li>• the matrimonial property regime (in the case of married couples) or the asset status (in the case of registered civil partnerships).</li> </ul> |
| Voraussetzungen            | There is a sole heir certificate and this shows a person as an heir who is not an heir.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Modul                        | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| Kosten                       | The court shall determine the costs of the court proceedings regarding the withdrawal of the certificate of inheritance in accordance with Section 353 para. 2 sentence 1 FamFG. The amount of the costs is determined by the amount in dispute, which is calculated on the basis of the value of the estate less the debts.                                                                                                                                                        |
| Verfahrensablauf             | The local court examines ex officio or upon application whether the certificate of inheritance is to be withdrawn due to incorrectness.                                                                                                                                                                                                                                                                                                                                             |
| Bearbeitungsdauer            | The processing time depends on the complexity of the inheritance case.                                                                                                                                                                                                                                                                                                                                                                                                              |
| Frist                        | none                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| weiterführende Informationen | <a href="https://www.bmjbv.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&amp;v=33">https://www.bmjbv.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&amp;v=33</a>                                                                                                                                                                                                                                                               |
| Hinweise                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Rechtsbehelf                 | An appeal may be lodged against the confiscation order.<br><a href="https://www.gesetze-im-internet.de/famfg/_353.html">https://www.gesetze-im-internet.de/famfg/_353.html</a>                                                                                                                                                                                                                                                                                                      |
| Kurztext                     | <ul style="list-style-type: none"> <li>• The certificate of inheritance is an official certificate issued by the probate court that provides information about the inheritance rights of certain persons</li> <li>• The sole certificate of inheritance can be issued on the basis of a will or according to the legal succession</li> <li>• If the person named in the certificate of inheritance is not the actual heir, the certificate of inheritance can be revoked</li> </ul> |
| Ansprechpunkt                | The locally competent district court.                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Zuständige Stelle            | <p>The locally competent district court.</p> <p>This is either the local court in whose district the deceased had his/her last habitual residence or the local court in whose district the deceased has his/her habitual residence.</p> <p><a href="https://www.justizadressen.nrw.de/de/justiz/suche">https://www.justizadressen.nrw.de/de/justiz/suche</a></p>                                                                                                                    |
| Formulare                    | Forms are not required.                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Modul           | Sachverhalt                                                              |
|-----------------|--------------------------------------------------------------------------|
| Ursprungsportal | Withdrawal of a sole heir certificate, Einziehung eines Alleinerbscheins |