

99046014088000

Estate guardianship order

Heruntergeladen am 26.06.2025

<https://fimportal.de/xzufi-services/S1000020010000012577/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046014088000
Leistungsbezeichnung I	Estate guardianship order
Leistungsbezeichnung II	Estate guardianship order
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Appointment of guardian of the estate</div> , <div lang="en-x-mtfrom-de">Estate guardianship application</div> , <div lang="en-x-mtfrom-de">Estate protection</div> , <div lang="en-x-mtfrom-de">security measures for the estate</div> , <div lang="en-x-mtfrom-de">Secure your legacy</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	

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Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	06.06.2023
Fachlich freigegeben durch	
Handlungsgrundlage	§§ 1960 ff BGB - Securing the estate § 8 GNotKG - Due date of costs GNotKG - List of costs
Teaser	If the heirs are unknown and the estate needs to be secured, the probate court can order guardianship of the estate.
Volltext	If there are unknown heirs and the estate needs protection, the probate court can order an estate guardianship. The appointed estate guardian secures and manages the estate and searches for relatives. Over-indebted estate If someone dies and leaves behind an estate that is heavily indebted, no guardianship of the estate is usually set up. It is not the court's job to ensure that debts are settled with creditors. The state does not pay any estate liabilities and does not cover any costs incurred by creditors.
Erforderliche Unterlagen	The application to set up an estate guardianship can be submitted informally.
Voraussetzungen	Without intervention by the responsible authority, the preservation of the estate would be at risk. The heir or heiress is unknown. It is uncertain whether the heir or heiress will accept the inheritance. Creditors of the estate (persons who have outstanding claims against the deceased) must demonstrate a legal interest in securing the estate. For example, by presenting the rental agreement with the deceased. In addition, the intention to assert a claim against the estate in court must be stated.
Kosten	The costs of the estate guardianship procedure are borne by the heir. The application for the establishment of estate guardianship is free of charge. An annual fee is payable for the estate guardianship in accordance with the Court and Notary Fees Act. It

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	amounts to 10 euros for every 5,000 euros of estate value, but at least 200 euros. In addition, the administrator appointed by the court receives a fee.
Verfahrensablauf	The creditor of the estate submits an informal application to the probate court to establish guardianship of the estate. The probate court examines whether the estate needs to be secured. If this is the case, the probate court sets up a guardianship of the estate. The guardianship of the estate ends when the need for security no longer applies, for example because an heir has been found.
Bearbeitungsdauer	Due to its urgency, the application will be processed as quickly as possible.
Frist	No
weiterführende Informationen	https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Erben_Vererben.pdf?__blob=publicationFile&v=14 https://www.bmj.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33
Hinweise	Please note: Legal advice is not available at the probate court. Please contact the persons authorized to provide legal advice. These are lawyers or notaries. The Public Legal Advice Service (ÖRA) offers low-cost legal advice for people with low incomes.
Rechtsbehelf	No
Kurztext	Estate guardianship order Heir or heiresses are unknown Uncertain whether the heir or heiresses will accept the inheritance Estate (assets of the deceased) is available and must be secured Not in the case of over-indebted estate
Ansprechpunkt	<p>If you want to find out exactly who is responsible for your request, please follow the link to</p> <p>Authority finder Hamburg</p>
Zuständige Stelle	Hamburg District Court
Formulare	

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Ursprungsportal	Behördenfinder Hamburg, Authority finder Hamburg (Currently this link is only available in german)