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Joint inheritance certificate granting of prior or subsequent inheritance is subject to limitations

Heruntergeladen am 05.07.2025

<https://fimportal.de/xzufi-services/S1000020010000012630/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046068001011
Leistungsbezeichnung I	Joint inheritance certificate granting of prior or subsequent inheritance is subject to limitations
Leistungsbezeichnung II	Apply for a limited joint inheritance certificate as a pre- or post-inheritance
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<code><div lang="en-x-mtfrom-de">apply for a certificate of inheritance</div></code> , <code><div lang="en-x-mtfrom-de">identify a successor</div></code> , <code><div lang="en-x-mtfrom-de">Certificate of inheritance</div></code> , <code><div lang="en-x-mtfrom-de">several heirs</div></code> , <code><div lang="en-x-mtfrom-de">Community of heirs</div></code> , <code><div lang="en-x-mtfrom-de">Estate</code>

Modul	Sachverhalt
	abroad</div>, <div lang="en-x-mtfrom-de">Estate partly abroad</div>, <div lang="en-x-mtfrom-de">Pre- and post-inheritance</div>, <div lang="en-x-mtfrom-de">Pre- and post-inheritance</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	26.09.2023
Fachlich freigegeben durch	
Handlungsgrundlage	§§ 2353 – 2370 German Civil Code (BGB) Sections 352 to 352 e of the Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) § 2011 German Civil Code (BGB) Fee table: Court and Notary Fees Act (GNotKG) Annex 2 (to Section 34 Paragraph 3) § 58 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) § 59 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG) § 63 Law on Proceedings in Family Matters and in Matters of Voluntary Jurisdiction (FamFG)
Teaser	Each co-heir can apply for a so-called joint inheritance certificate from the probate court for several heirs. It shows whether there is a previous and subsequent inheritance. If parts of the estate are located abroad, it can be restricted.
Volltext	When a testator dies, he usually leaves behind not just one heir, but several. These become part of the so-called community of heirs when they inherit. In principle, each individual co-heir can apply for a certificate of inheritance with which he can identify himself as the rightful heir to third parties. However, if

Modul

Sachverhalt

the community of heirs wants to appear together and act in front of banks, insurers and the land registry, a joint certificate of inheritance is often necessary. By arranging a pre- and post-inheritance in the will, it is determined who will inherit the deceased testator first (pre-heir) and who will inherit after this (post-heir). The pre-heir can thus use the inheritance for the period until the post-inheritance occurs. The post-heir only becomes the testator's heir when the pre-inheritance ends. The certificate of inheritance issued to the pre-heir must state that a post-inheritance has been arranged, under what conditions it occurs and who the post-heir is. A certificate of inheritance limited to certain items in Germany (objectively limited certificate of inheritance) can be issued by the probate court upon application if the estate (inherited assets) also includes items located abroad. A materially limited certificate of inheritance should be applied for if this speeds up the process for issuing the certificate of inheritance (e.g. because no foreign inheritance law needs to be determined), or because the certificate of inheritance is not needed abroad and costs can be saved by restricting it.

Erforderliche Unterlagen

Official photo identification e.g. your ID card or passport
Death certificate of the testator (deceased person from whom the inheritance is to be inherited)
Family register to document relatives
Information about whether there is a process regarding your inheritance law
Names and addresses of the co-heirs
Evidence of the reason why certain people who would actually inherit are no longer heirs, for example their death certificates, declarations of renunciation of inheritance or inheritance waiver
All existing wills or inheritance contracts
The marital property regime (for married couples) or the asset status (for registered civil partnerships)
Proof that estate items are located abroad

Voraussetzungen

There are co-heirs and they would like to apply for a joint inheritance certificate and the testator has ordered a pre- and post-inheritance in a last will and testament and the estate items are located both in Germany and abroad.

Modul	Sachverhalt
Kosten	<p>The amount of the fees depends on the value of the estate (inherited assets) after deducting the debts of the testator (deceased person). For example, the issuing of a certificate of inheritance by the probate court costs: for an estate value of EUR 30,000 EUR 125.00 for an estate value of EUR 100,000 EUR 273.00 for an estate value of EUR 500,000 EUR 935.00 In addition, you must pay fees of the same amount for the notarization of an affidavit at the probate court or at a notary public. In addition, there may be additional costs for writing and sales tax. Applicants residing abroad may be required to pay an advance on costs.</p>
Verfahrensablauf	<p>You apply for a limited joint certificate of inheritance at the responsible probate court (usually the court in whose district the deceased last lived): Submit an application for a certificate of inheritance Please use the form provided. Attach all required documents. The application for a certificate of inheritance must only be submitted by one co-heir. Alternatively, you can submit the application through an authorized person, such as a notary or a lawyer, or have it recorded in court. Make a declaration in person before the district court or before a notary public, confirming that you are not aware of anything that would contradict the accuracy of the information you have provided in the application for a certificate of inheritance. This is not necessary if the district court waives it. If a notary certifies the declaration under oath, this person can at the same time certify the application for a certificate of inheritance. After you have applied for the certificate of inheritance, the local court will check your eligibility and issue the certificate of inheritance.</p>
Bearbeitungsdauer	<p>The processing time depends on the complexity of the inheritance case and the respective local court.</p>
Frist	<p>No</p>
weiterführende Informationen	<p> https://justiz.hamburg.de/gerichte/amtsgericht-hamburg https://justiz.hamburg.de/gerichte-segmente/ https://justiz.hamburg.de/gerichte/amtsgericht-hamburg/verfahrensarten-und-services/verfahrensarten/nachlassgericht-39942 </p>

Modul

Sachverhalt

<https://justiz.hamburg.de/amtsgerecht/1287500/nachlassgericht.html>
https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Erben_Vererben.pdf?__blob=publicationFile&v=14
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<https://justiz.hamburg.de/resource/blob/573470/acb60160ebe644fcd39ff3b01bf74aea/erbscheinsantrag-data.pdf>

Hinweise

Only one of the co-heirs must submit the application for a certificate of inheritance. Please note: The probate court does not provide legal advice. 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

Complaint If there are conflicting interests in the inheritance certificate procedure before the probate court, the probate court may not issue the inheritance certificate immediately. The district court issues a decision stating that it considers the facts necessary to substantiate the application for a certificate of inheritance to have been established. The parties then have the opportunity, in accordance with Sections 58 and 63 FamFG, to lodge an appeal against this decision within a period of one month. The certificate of inheritance will only be issued if, after the expiry of the one-month period, no one has lodged an appeal against the decision of the probate court and the decision has thus become final and binding. In addition, according to Section 59 FamFG, a person who was unable to convince the probate court with his or her arguments in the inheritance certificate procedure

Modul
Sachverhalt

and whose rights are thereby impaired can file an appeal. Challenge By applying for the certificate of inheritance, the inheritance is automatically considered accepted – renouncing the inheritance is then no longer possible. Heirs can then only prevent the inheritance by contesting the acceptance of the inheritance. However, a reason must be provided that justifies the contestation (for example, certain errors). It is recommended that you seek legal advice from a lawyer. The district court is not permitted to provide legal advice. Sole heir certificates can only be contested by sole heirs. In the case of partial and joint inheritance certificates, each heir within the community of heirs is entitled to contest the certificate.

Kurztext

Apply for a limited joint inheritance certificate as a pre- or post-inheritance A pre- and post-inheritance is arranged in the will. If there are co-heirs, they can apply to the probate court for a joint inheritance certificate. The certificate of inheritance is an official certificate issued by the probate court that provides information about the inheritance rights of certain people. Parts of the estate are located abroad.

Ansprechpunkt

If you want to find out exactly who is responsible for your request, please follow the link to

Authority finder Hamburg

Zuständige Stelle

Hamburg District Court

Formulare
Ursprungsportal

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