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Joint inheritance certificate Issuance of partial inheritance certificate for previous or subsequent inheritance

Heruntergeladen am 06.07.2025

<https://fimportal.de/xzufi-services/S1000020010000012631/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046068001012
Leistungsbezeichnung I	Joint inheritance certificate Issuance of partial inheritance certificate for previous or subsequent inheritance
Leistungsbezeichnung II	Apply for a joint partial 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	<div lang="en-x-mtfrom-de">co-heir</div>, <div lang="en-x-mtfrom-de">several heirs</div>, <div lang="en-x-mtfrom-de">not all heirs</div>, <div

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	<code>lang="en-x-mtfrom-de">Community of heirs</div></code> , <code><div lang="en-x-mtfrom-de">Community</code> <code>inheritance</div></code> , <code><div lang="en-x-mtfrom-de">Partial</code> <code>inheritance certificate</div></code> , <code><div</code> <code>lang="en-x-mtfrom-de">Pre- and</code> <code>post-inheritance</div></code> , <code><div</code> <code>lang="en-x-mtfrom-de">Pre- and</code> <code>post-inheritance</div></code>
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	The probate court can also issue a joint partial inheritance certificate for several heirs. If there is a previous and subsequent inheritance, the inheritance certificate shows this. However, the inheritance certificate does not identify all co-heirs.
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

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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 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. The joint partial inheritance certificate is issued for the inheritance rights of several, but not all, co-heirs upon application by one co-heir, for example if one co-heir has emigrated and is therefore unreachable. 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.

Erforderliche Unterlagen

Official photo ID, for example 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)

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. However, not all co-heirs are available to apply, for example because they are not known.

Kosten

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

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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.

Verfahrensablauf

You apply for a joint partial inheritance certificate 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.

Bearbeitungsdauer

The processing time depends on the complexity of the inheritance case and the respective local court.

Frist

No

weiterführende Informationen

<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>
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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 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

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	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. In the case of partial inheritance certificates and joint inheritance certificates, each heir within the community of heirs is entitled to contest the certificate.
Kurztext	Apply for a joint partial 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. If this is not applied for for everyone, it is only a joint partial 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.
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)