

# Leaflet

## The certificate of inheritance and how to obtain it

### THE PURPOSE OF A CERTIFICATE OF INHERITANCE

If an heir (or heiress) wishes to assert a claim against a bank or other entity that he or she has taken over the legal succession of the deceased and has thus become the holder of a claim (e. g. for payment of the account balance), or would like to have the land registry office register him or her as the owner of the inherited property, the bank or land registry will usually require a proof of succession.

This is provided by a certificate of inheritance issued by the probate court. The certificate of inheritance states who has become an heir and to what extent. Without such a certificate of inheritance, a claim can often not be enforced in Germany and the land register cannot be corrected.

### THE AUTHORITY RESPONSIBLE FOR THE ISSUANCE OF THE CERTIFICATE OF INHERITANCE

The local jurisdiction of the probate court is governed by Section 343 of the Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction.

The probate court in whose district the deceased was domiciled or - alternatively - resident in Germany at the time of death is responsible for the case. If the deceased was (at least also) German at the time of death, but neither did live in Germany nor did reside there, the probate court of Berlin-Schöneberg has jurisdiction.

However, if the deceased was not a German citizen and did not have a place of residence in Germany, then any probate court in whose district the estate is located in is responsible for the case.

### THE APPLICATION FOR THE CERTIFICATE OF INHERITANCE

In the application for a certificate of inheritance, the applicant must provide a number of different details that are decisive for succession and therefore for the content of the certificate of inheritance. Depending on the family circumstances, documents must be submitted to support the information in the application.

These are, for example, a copy of the last will, the death certificate of the testator and, if applicable, other birth certificates of the children, a marriage certificate or similar. In addition, the applicant must affirm in lieu of an oath that he/she is not aware of anything that contradicts the accuracy of the information in the application (§ 2356 Para. 2 BGB).

The affirmation in lieu of an oath must be notarized. In Germany, this is done by the court or a notary. In order to spare the applicant a trip to Germany, the notarization can be done at a German mission abroad (Embassy, Consulate).

The German mission receives the filled-out questionnaire for preparing the application for a certificate of inheritance and the supporting documents, prepares the application and arranges an appointment for notarization. The applicant then submits the notarized application together with the other documents to the probate court responsible for the case, which finally issues the certificate of inheritance.

Overall, the procedure from the submission of the questionnaire to the notarization and issuance of the certificate of inheritance usually takes several months.

## FEES FOR THE PROCEDURE

There are two costs for the applicant: Firstly, fees are payable for the notarization of the application for a certificate of inheritance at the German Mission in accordance with the Federal Foreign Office Special Fee Ordinance (Besondere Gebührenverordnung – AABGebV), the amount of which is set according to the region.

In addition, the probate court also charges fees for issuing the certificate of inheritance. The amount depends on the value of the estate.

Additional costs may arise from the procurement of documents supporting the application.

## QUESTIONNAIRE FOR PREPARATION

The questionnaire for preparing the application for a certificate of inheritance can be found on our website.

**The above list is provided without guarantee and does not claim to be exhaustive.**