

# Probate - Application for a certificate of inheritance

Proof of inheritance can be provided in the form of a certificate of inheritance, which is issued by the probate court upon application.

The application must be notarized by a notary of your choice, your local court or the competent probate court.

## Competent Department

- [Amtsgericht Bremen](#)
- [Amtsgericht Bremen-Blumenthal](#)
- [Amtsgericht Bremerhaven](#)

## Basic information

If you have accepted the inheritance, you will often need a certificate of inheritance to prove your right to inherit. The certificate of inheritance is a certificate of inheritance.

## Requirements

A certificate of inheritance is only issued on application. This requires a court or notarized inheritance certificate hearing at which certain declarations must be made and affirmed in lieu of an oath.

The affirmation in lieu of an oath required to obtain a certificate of inheritance can only be made by the heir. If the heir is no longer able to do so, for example due to illness, the affidavit can only be made by a court-appointed guardian. Minors are represented by their parents or by a supplementary guardian or guardian.

## What documents do I need?

- Application for a certificate of inheritance - other documents -

Proof of identity and documents

When you make an appointment, you will be informed which documents you have to produce.

All documents have to be presented in the original or in a publicly certified copy. Simple copies are not sufficient. Only notaries or the registry office issuing the certificate are authorised to certify copies of civil status documents.

The principle of presentation applies in the procedure. This means that the documents are to be procured by the applicant. The court does not assume this task!

In any case, the identity of the applicant must be proven at the appointment by presenting an official photo identification (valid identity card or passport).

## Procedure

The probate court is responsible for issuing certificates of inheritance on the basis of both legal and testamentary succession.

The probate court with local jurisdiction is the district court at the last habitual residence of the deceased. This is not necessarily the last place of residence under civil law, but the place where the deceased last had his or her center of life.

In principle, applications for certificates of inheritance can be certified at any district court by way of legal assistance. Every heir is entitled to apply for a certificate of inheritance. It is sufficient if one of several co-heirs files the application.

It is mandatory to make an appointment at the Bremen local courts. Applicants may also contact a notary public .

In addition to the application, an affirmation in lieu of oath must be submitted concerning certain information provided for by law, which must be certified by the court or by a notary public. If the application and the affirmation in lieu of oath are to be notarized by a court, the personal appearance of at least one heir at the court is required. If, due to physical limitations, notarization is required in the house/apartment of an heir, this can only be carried out by a notary.

At the court or in a notary's office, you will receive information about which documents you have to provide and which declarations you may still have to make.

After examination of the application and written hearing of any other parties involved, the certificate of inheritance can be issued.

## Legal bases

- [§ 352 FamFG](#)

## **What deadlines must be paid attention to?**

There are no deadlines.

## **What are the costs?**

Fees are payable for the notarisation of the inheritance certificate application and the granting of the certificate of inheritance. The amount of these fees depends on the value of the estate. Two fees are charged:

1. for the certification of the required affidavit (notary or court)
2. for the granting of the certificate of inheritance (court)

Notary's fees are charged according to the same law. The notary still charges the turnover tax and any expenses.

## **Frequently asked Questions**

- **There is a dispute between the heirs, what can I do?**

The settlement of the estate is the sole responsibility of the heirs. The probate court does not act here - not even in an intermediary capacity.

If necessary, contact a member of the legal advisory professions.

- **Do I always need a certificate of inheritance when I am an heir?**

The certificate of inheritance is a certificate of who has become the heir. It therefore depends on whether the person (e.g. the bank or savings bank) requires proof of inheritance. In many cases, if one or more wills/ inheritance contracts exist, it is sufficient for the heir to prove that he or she is the heir by submitting certified copies of the wills/ inheritance contracts and the opening minutes.

If real estate is part of the estate, a notarized will or certificate of inheritance is required in all cases.

- **If there is more than one heir, does each heir receive a copy of the certificate of inheritance?**

The probate court attempts to limit the number of copies in circulation. If a certificate of inheritance that has been issued proves to be false, for example, due to a will that is subsequently discovered, it must be withdrawn. If it is not possible to obtain all the

copies, the certificate of inheritance must be declared invalid. The costs of this will be charged to the heirs.

A community of heirs is a community of heirs for the entirety. Therefore, only all heirs can act jointly and dispose of the estate.

- **Where can I get an apostille?**

An apostille is often required to use a certificate of inheritance abroad. If the certificate of inheritance was issued by a local court in the Federal State of Bremen, please contact the President of the Regional Court Bremen at [redacted] and submit a copy of the certificate of inheritance.

- **What are the inheritance allowances?**

The probate court cannot provide any information on this.

Therefore, please contact a member of the legal advisory professions or a tax advisor.

- **Where was the deceased buried?**

Burial is a matter for the relatives.

If no relatives are known, the burial is carried out by the Institute of Forensic Medicine. The probate court has no influence on the burial and does not commission it. The probate court is also not notified of a burial that has taken place.

- **The apartment of the deceased is sealed, the police referred me to the probate court.**

If relatives need access to the apartment in order to settle the estate and if the apartment keys are kept with the probate court, the keys can (only) be handed over to the potential heirs.

If there are several heirs, all of them must agree to the keys being handed over to one of the heirs. For this purpose, it is sufficient to submit a written declaration of consent.

An appointment must be made in advance to hand over the keys. This will clarify which further evidence must be submitted for the handover in the individual case.

- **My tenant has died - what can I do ?**

You may notify the appropriate probate court in writing of your tenant's passing and inquire if there are any known heirs.

For this purpose, please be sure to submit a copy of the lease agreement as proof of your legitimate interest. Otherwise, no information can be provided to you.

If no heirs are known to the probate court, it will check whether special estate protection measures need to be taken. For this purpose, information on any existing assets of the deceased is also required. It therefore helps to speed up the proceedings if the request is accompanied by information on the bank at which the deceased maintained the account from which the rent payments were made.

With regard to questions about what rights and obligations you now have as a landlord, please contact a member of the legal advisory professions. The probate court cannot give you any information on this.

- **I would like to purchase a house whose owner is deceased.**

Information on the proceedings can only be provided to persons who have a legitimate interest. As a prospective buyer, you unfortunately do not belong to this group of persons, so that no information about possible heirs can be provided to you.

- **I have a claim against the deceased.**

If you can prove your legitimate interest, you can obtain information about possible heirs of the deceased. Please make your request in writing only, providing proof (copy of invoice, statement of claim, contract documents).

If you want to know how to assert your claim against the heirs or the estate, you must seek legal advice. The local court is not authorized to provide legal advice.

- **What if I had no contact with the decedent?**

If there was no contact with the deceased, information from the civil register can be obtained to confirm the death. An inquiry at the probate court is also possible.