



Inheritance matters

Please note that all information given in this leaflet is based on the knowledge the embassy had at the time of issue of this leaflet. The embassy does not take any responsibility for changes that may have taken place since this publication.

General Information

According to German law, the estate of a deceased is governed by the principle of 'universal succession,' meaning that the heirs become owners of the deceased's estate upon his death. The succession is determined either by law or by final disposition. However, heirs have to prove their title of succession by a Certificate of Inheritance ("Erbschein") which is required for the heir(s) to dispose of real estate or bank assets. It is issued by a German surrogate's court ("Nachlassgericht"). This court is usually located at the last residence of the deceased or, if he had no residence in Germany, may be determined by the location of assets of the estate. For the issuance of the Erbschein, it is mandatory that at least one of the heirs applies for the certificate by giving an affidavit/declaration in lieu of oath. This application may be filed with the Nachlassgericht directly (if there are heirs in Germany), a German "Notar" (notary) or through the German Missions abroad. The applicant usually applies in the name and on behalf of all heirs. He/she does not need a power of attorney to apply in their names.

How to obtain a Certificate of Heirship

1. The applicant has to provide all information necessary in advance, to enable the German Missions to draft a formal application. Therefore, please use the prepared questionnaire. We recommend that you enclose copies of all documents proving the right to inherit (e. g. last will, letters testamentary, death certificates, birth certificates, marriage certificates etc.)
2. The German Mission will prepare the application document and contact the applicant as soon as the application is drafted to set up an appointment for the applicant to appear at the German Mission and to sign the document in due form. As German is the official language in Germany, the text of the application will be put forward only in German. If the applicant does not understand German, the consular agent will explain the contents of the paper to the applicant and translate it orally. If he/she requires an English translation of the application, the applicant will be responsible for all costs incurred by a translation. We recommend that the applicant shows all the original documents of which copies were provided with the questionnaire during this appointment. The German Mission will notarize the copies, so the Nachlassgericht in Germany receives a complete application with the pertinent documents enclosed.
3. The applicant will receive the original and a first certified copy of the application. The original or the first certified copy should be sent to the competent Nachlassgericht or the applicant's representative in Germany who will then forward it to the Nachlassgericht.



4. After having received the application, the Nachlassgericht will issue the Erbschein and forward it to the person named as recipient in the application. In the course of the application, two fees will apply: The German Mission will charge a fee for the preparation of the application including the affidavit. The minimum fee is Euro 30,-. The fee is to be paid in cash on the day of the signing of the application. Fees are based on the value of the estate. The applicant is required to provide detailed information about the value of the estate in Germany. (Please contact the land register ('Grundbuchamt') in Germany or your lawyer for further details of the value of real property.)