



Name of the deceased: \_\_\_\_\_

## Questionnaire

### to prepare for the attesting of an application for a Certificate of Inheritance

*Please type or complete in block capitals.*

*Any references to one gender in this questionnaire, e.g. the deceased, consular official, heir, etc., include both genders.*

Your replies to this questionnaire simplify the process of **applying for a certificate of inheritance or a European Certificate of Succession (ECS)**. The facts required to substantiate the application for the issuance of a certificate of inheritance or ECS must be supported by evidence or an affirmation in lieu of an oath. Knowingly or negligently giving false information in such an affirmation is a punishable offence. In compensation proceedings, a false affirmation may invalidate all claims to compensation.

Please send us scans /copies of the **following documents** together with the filled-out questionnaire:

- Your valid passport or ID (valid passport / ID of the applicant(s))
- Certificate of death of the deceased
- If available: Passport or ID of the deceased
- If applicable: all last wills (or other testamentary dispositions) of the deceased
- If applicable: any probate documents or judicial documents relating to the inheritance case
- Documents regarding the family relation of the heirs to the deceased, for example:
  - o Birth certificates (or certified transcripts / extracts from the family book)
  - o Marriage certificate(s)
  - o if the deceased's spouse, child/children or the relatives entitled to inherit died before the deceased: their death certificates
  - o if applicable: other documents showing the relationship, for example acknowledgement of paternity or adoption papers
- if available: documents regarding the assets located in Germany
- if the heirs having an entitlement equal or higher-ranking to that of the applicant agreed with the deceased to disclaim their inheritance, this agreement must be submitted or the place where it is deposited specified;
- if an advance inheritance payment has been made (permitted under sections 1934 (d) and (e) of the German Civil Code (old version) until 1 April 1998), a certified transcript or copy of the advance inheritance payment agreement must be submitted;
- if an agreement was made between a father and his children born out of wedlock prior to 1 July 1949 pursuant to Article 12 (10) (a) of the Act on the Legal Status of Children Born Out of Wedlock, a certified transcript or copy of the agreement must be submitted;
- if an heir has disclaimed the inheritance, it is sufficient to refer to the probate records.



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Please also submit letters from lawyers, notaries public, German and foreign authorities if available.

Please note that you may be asked to present the originals of these documents later on.

It is in the applicant's interest to submit to the consular officer all available documents concerning his/her right of inheritance, thus enabling the latter to carry out his/her duties as efficiently as possible. Gaps in the documentation are to the detriment of the applicant and may subsequently lead to the dismissal of the application for a certificate of inheritance or an ECS by the probate court, which requires all evidence to be submitted.

## DETAILS OF THE INHERITANCE

### 1. Information about the applicant

) Surname (and name at birth, if applicable; if divorced or widowed, list surname(s) previously used):

) First names:

) Marital status:  single  married  widowed  divorced

) Date, place and country of birth:

) Profession:

) Language:

) Nationality:

) Address:

) Phone/mobile number, e-mail:

) Identification document (please include a copy; for German nationals, preferably a German passport):  
Type of document:  passport  ID card  Other:  
No.:  
issued on:  
issued by:

) Relationship to the deceased:

) Purpose for which the certificate of inheritance/ECS is required:

### 2. Information about the deceased:

) Surname (and name at birth, if applicable):

) First names:



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- ) Date, place and country of birth:
- ) Address at the time of death (If the deceased had more than one address, please provide the most relevant):
- ) When and where did the deceased die (death certificate)?
- ) Place of habitual abode at the time of death:

(The deceased's place of habitual abode must be determined by the authorities by means of a general assessment of the deceased's circumstances in the years prior to death and at the time of death. This assessment will take particular account of the duration and regularity of the deceased's stays in the relevant country, but also of the circumstances surrounding it and the reasons for it. These should show evidence of a particularly close and strong link with the relevant country.)

Administrative area (administrative district, province, etc., federal state):

- ) Where are the deceased's assets located for which a formal certificate of inheritance is required?

**Only to be completed if the deceased is missing**

- ) If missing

If a final declaration of death has been made:

Please state the time of death established by the court, as well as the date and reference number of the German Local Court's decision:

If no final declaration of death has been made:

Please state since when the deceased has been missing, his/her last known domicile, and any additional information to support the presumption of death:

- ) Nationality at the time of death:

The term "German nationality" also applies to persons who, pursuant to Article 116 (1) of the Basic Law of the Federal Republic of Germany, have legal status as Germans without possessing German nationality. If the deceased was denaturalised pursuant to the Act of 14 July 1933 (Reich Law Gazette I, p. 480) or the ordinance of 25 November 1941 (Reich Law Gazette I, p. 722) and not renaturalised and did not acquire a foreign nationality, enter "stateless".

Nationality proven by:

If German by naturalisation or – for women – by marriage to a German (prior to 31 March 1953) or by declaration following marriage to a German (prior to 31 December 1969), please state previous nationality as well:



Did the deceased possess any nationality/nationalities other than German at the time of death?

**Only to be completed if the deceased was stateless or denaturalised**

If stateless:

Nationality acquired at birth:

Date of and reason for emigration:

) Was the deceased **legally** a member or non-member of a church, religious community or philosophical community at the time of death (only applicable if the deceased's last country of residence subjects inheritances to religious law):

) Marital status at time of death:

single       married       widowed       divorced

**Only to be completed if the deceased was married, divorced or widowed**

**3. Information on marriages of the deceased** (for further marriages, please enter the details in the "Additional information" section)

) 1<sup>st</sup> spouse:

) Date and place of marriage:

) Surname (and name at birth, if applicable):

) First names:

) Date and place of birth:

) Nationality at the time of marriage:

) First common domicile:

) Date and place of  death or  divorce (in the case of a legally binding divorce, state the court which pronounced the final decree and the date and reference number of the judgement)?

) 2<sup>nd</sup> spouse:

) Date and place of marriage:

) Surname (and name at birth, if applicable):

) First names:

) Date and place of birth:

) Nationality at the time of marriage:

) First common domicile:

) Date and place of  death or  divorce (in the case of a legally binding divorce, state the court which pronounced the final decree and the date and reference number of the judgement)?



#### 4. Prenuptial agreement

) Was a prenuptial agreement (regulating property rights) concluded before a court or notary public?  Yes  No

If yes, where, when and under what law was it concluded? What provisions does it contain and what is the type of property regime agreed?

) Did the deceased or the deceased's spouse make a unilateral declaration before a German notary public, a German court or German mission abroad precluding the statutory property regime of a community of accrued gains under the German Civil Code?  Yes  No

If yes, state type and date of declaration and to whom it was made:

**Only to be completed if the deceased had descendants, i.e. children, including from previous marriages, adopted children and children born out of wedlock**

#### 5. Descendants of the deceased

For adopted children, please state the date and place of the adoption and the authority responsible.

In the case of children born out of wedlock, please state whether paternity has been acknowledged or determined by a final court judgement or whether proceedings to determine paternity are or were pending or whether and when an application to determine paternity will be made.

) Surname (and name at birth, if applicable):

First names:

Date and place of birth:

Address:

Marital status:  single  married  widowed  divorced

Date and place of death:

) Surname (and name at birth, if applicable):

First names:

Date and place of birth:

Address:

Marital status:  single  married  widowed  divorced

Date and place of death:



) Surname (and name at birth, if applicable):

First names:

Date and place of birth:

Address:

Marital status:  single  married  widowed  divorced

Date and place of death:

For further children, please enter the details in the "Additional information" section.

If any of the descendants listed above died before the deceased or disclaimed their inheritance, please enter the details (surname, first names, date and place of birth and address) of their children by the relevant letters below:

Children of 5a):

Children of 5b):

Children of 5c):

For further children, please enter the details in the "Additional information" section.

**Only to be completed if the deceased had NO descendants**

**6. Parents of the deceased**

) Father:

Surname (and name at birth, if applicable):

First names:

Date and place of birth:

Address:

Date and place of death:

) Mother:

Surname (and name at birth, if applicable):

First names:

Date and place of birth:

Address:

Date and place of death:

) Are they adoptive parents? If yes, please also give details of the biological parents:



**Only to be completed if the deceased had no descendants and one or both of the parents were already deceased at the time of death**

**7. Siblings of the deceased**

) Surname (and name at birth, if applicable):

First names:

Date and place of birth:

Address:

Date and place of death:

) Surname (and name at birth, if applicable):

First names:

Date and place of birth:

Address:

Date and place of death:

) Surname (and name at birth, if applicable):

First names:

Date and place of birth:

Address:

Date and place of death:

For further siblings, please enter the details in the “Additional information” section.

Please list below under the relevant letters the children of those siblings who died before the deceased.

Children of 7a):

Children of 7b):

Children of 7c):

**Only to be completed if the deceased has neither descendants (section 5) nor living parents (section 6) or siblings (section 7)**

**8. Paternal and maternal grandparents and their descendants** (siblings of the deceased's parents and the children of these siblings – if deceased, please state the date and place of death):

**9. If no living persons are named in sections 3 and 5 to 8: Which persons related to the deceased are still alive** (e.g. descendants of the deceased persons)?



**10.** Are or were there any other persons due to whom the named heir(s) could be **excluded from the inheritance** or could have their **portion of the inheritance reduced**?

Yes       No

**11.** Did the deceased make a **disposition mortis causa** (= **testamentary disposition**)?

Yes       No

**Only to be completed if the deceased has made a disposition mortis causa**

) Type:       will       joint will       deed of succession

) Date and place of execution:

) Did the deceased make a **choice of law** regarding the succession (and the validity of his/her will)? If yes, please state choice of law:

) Type of testamentary disposition:

**Private will:**

handwritten (wholly in the deceased's own hand)  
 typewritten before witnesses

**Public will?** If yes, before whom was it executed?

In countries where Anglo-American law applies, a notary public has no power equivalent to that under German law to certify documents; if he or she is mentioned in a will governed by Anglo-American law, the will is not deemed to be a public one.

**Special types** for certain situations (e.g. mortal danger):

) Court or other agency to which the testamentary disposition was submitted, stating reference number and date:

) Where is the document now?

) Has **executorship of the estate** been stipulated? If yes, name and address of the executor:

) Has **administration of the estate** been stipulated? If yes, name and address of the administrator:

) Does the will provide for **provisional succession or estate in remainder**?

) Do further dispositions mortis causa exist? If yes, please provide details:

) Who are the **heirs appointed by the deceased in such dispositions mortis causa** (surnames, first names, dates and places of birth, addresses)?



**12.** To which portions of the inheritance are the heirs appointed by a disposition mortis causa or statutory heirs entitled?

**13. Estate**

- ) Does the deceased's estate include **land in Germany**, where is it located (Please give the most precise information possible, including the specifications contained in the cadastre or land register, if known.) and is a certificate of inheritance/ECS needed for this purpose?
- ) Does the deceased's estate include a **company in Germany**? Which one?
- ) Does the estate include **other property/assets** in Germany? If so, where is it located? Is a certificate of inheritance/ECS needed for this purpose?
- ) Is a **lawsuit** concerning the right of succession pending? If yes, before which court and what is the reference number?
- ) Has a **certificate of inheritance/ECS already been issued** for the whole estate or a part thereof or has a final court judgement been handed down (in Germany or abroad)? If yes, by which court, when and what is the reference number?
- ) What other property/assets exist and in which country are they located (please give the most precise information possible)?
- ) What is the **estimated market value** of... (in EUR)
  - ) the entire estate, excluding any debts?
  - ) the part of the estate located in the Federal Republic of Germany?

**14. Miscellaneous**

- ) Do you have an **authorised representative** (please enclose Power of Attorney)?

Name:

Address:

Phone number, e-mail:

- ) To whom, if not you, should the probate court send the certificate of inheritance/certified copy of the ECS (name & address)?
- ) Did you **accept** the inheritance (If an inheritance is not disclaimed, it is regarded as having been accepted.)?  Yes  No
- ) Have your **co-heirs been informed of the inheritance?**  Yes  No



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Did they **accept** the inheritance (If an inheritance is not disclaimed, it is regarded as having been accepted.)?

Yes  No

) Are you applying for a **joint certificate of inheritance for all heirs** or only for a **certificate for your portion** of the estate?

) Are you applying for a **European Certificate of Succession** (ECS)? If yes, for which country?

) I enclose the following certificates and documents (see pages 1–2):

) I shall submit the following certificates and documents to the probate court in due course:

) I am unable to obtain the following certificates (please give reasons):

) The application proceedings for a certificate of inheritance/ECS should be conducted in German if possible. Do you have an adequate command of German for this?

Yes  No

### **15. Appointment**

I request that a date be fixed for the attesting of the application proceedings for the certificate of inheritance/ECS.

I am unable to appear in person because of the distance involved. Please assist me in drawing up a written application.

.....  
(Signature of applicant or local authorised representative)

Additional information: