

## **Application for a German Certificate of Inheritance or Executorship**

This form is part of the application procedure for the issuance of a certificate of inheritance. The certificate itself must be issued by a German probate court (“Nachlassgericht”).

*Please complete in type or block capitals.* When the form has been completed, you should send it to the Embassy. Based on the information provided, the Embassy will then prepare a draft of your application to the German probate court for notarisation. Once ready, you will be contacted to arrange an appointment for you to come to the Embassy to personally sign the application.

*All the information you provide* in this form must be supported with appropriate documentary evidence or, where this is not possible, you must swear an affidavit to the effect that the information provided is complete and correct. It is a criminal offence to swear a false affidavit *deliberately or out of negligence.*

The following documents - if available - are usually required for the application. Please send copies only in advance with this form. *You should bring the available original documents together with your valid passport when you come to the Embassy in person in order to sign the application.*

1. All wills and testamentary dispositions of the testator or testatrix (the deceased); all court orders and other documents from past or present court proceedings relating to the estate; all documents issued by non-German probate or other public authorities relating to the estate, including Probate of the Will or Letters of Administration.

2. The deceased's death certificate.

3. If you (and the other heirs) are the deceased's spouse, registered same-sex civil partner, child or other relative, documentary evidence of your relationship to the deceased. Appropriate documents for this purpose are:

- a. marriage certificate/certificate of same-sex civil union or partnership
- b. birth certificate, certificate of parentage, or officially certified copies from the "family book"
- c. if the deceased's spouse or other relatives who would have had a statutory claim on the estate died before the deceased: their relevant death certificates
- d. if any of the statutory heirs (see c) above) concluded a prior notarised agreement with the deceased waiving their claim on the estate: the relevant agreement or a statement of where it is currently deposited
- e. if any of the heirs under the will or statutory heirs has since the deceased's death formally disclaimed their share in the estate: a statement of where the relevant document is currently deposited (usually the competent probate court)

If applicable, please also submit copies of any letters from solicitors, notaries or public authorities (German or non-German) relating to the estate.

It is in the applicant's interest to submit to the consular officer copies of all documents already in his possession concerning his right of inheritance, for this enables the latter to carry out his duties as efficiently as possible. Gaps in the documentation are to the detriment of the applicant and may lead to the dismissal of the application by the probate court which requires all evidence to be submitted.

**1. Details of the applicant** (Note: only a beneficiary/heir or an executor can apply)

a) surname (if married, divorced or widowed, previous surname(s):

first name/-s:

b) date, place and country of birth::

c) occupation:

d) spoken language/-s:

e) nationality/-ies:

f) address, telephone number & e-mail:

g) identification document (for German nationals, preferably German passport)

number:

place of issue:

issuing authority:

h) relationship to the deceased:

i) Why do you need a certificate of inheritance? (e.g to access land/bank account)

**2. Details of the deceased (the testator)**

a) surname (if married, divorced or widowed, previous surname(s):

b) first name/-s:

c) date, place and country of birth:

d) date and place of death (as in death certificate)

e) town and country of residence at time of death:

How long had the deceased lived there?

last town of residence in country of nationality:

f) Only in case of missing person/presumed dead:

If an official declaration of death has been issued in respect of the deceased, state time and date of death as recorded in the declaration and the declaration's date and reference number:

If no declaration of death has been issued, since when has the deceased been missing and where was his/her last known place of residence? Please add any further information supporting the presumption of death.

g) all nationalities at time of death:

evidence of nationality (e.g. passport, etc):

If the deceased became a German citizen by naturalisation or by marriage to a German, what was his/her previous nationality?

Only if stateless:

Nationality at birth:

Date and reason for loss of nationality:

h) marital status at time of death (single, married, widowed, divorced):

i) Did the deceased live previously in Germany, and if so, when and where?

j) 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)?

3. **Spouse/-s of the deceased** Please also use this section for registered same-sex partners („eingetragene Lebenspartnerschaft“/civil union)

**1<sup>st</sup> marriage**

a) surname (and surname at birth if different)

first name/-s

b) address

c) date and place of birth

d) date of marriage

e) place of marriage and first place of residence during marriage

f) nationality/-ies at time of marriage

nationality/-ies at time of deceased's death (only if deceased's last place of residence was in Germany):

g) date and place of death or divorce (in the case of a divorce by decree absolute, please give details of issuing court, and date and reference number of decree):

**2<sup>nd</sup> marriage**

a) surname (and surname at birth if different)

first name/-s

b) address

c) date and place of birth

- d) date of marriage
- e) place of marriage and first place of residence during marriage
- f) nationality/-ies at time of marriage  
  
nationality/-ies at time of deceased's death (only if deceased's last place of residence was Germany):
- g) date and place of death or divorce (in the case of a divorce by decree absolute, please give details of issuing court, and date and reference number of decree):

*-If there are more marriages, please enter details on a separate page -*

**4. Matrimonial Property Regime (Güterstand)**

- a) Did the deceased enter into a marriage contract for any of above marriages?

If so, where, when, under what law and with what contents?

- b) Under German law, all assets belonging to a husband and wife, whether held jointly or separately, are treated as the common property of both husband and wife. Up to 1958 (or in special cases 1961) it was possible for either spouse to make a unilateral declaration to a court or German notary public or diplomatic mission abroad exempting the marriage from this requirement.

Did the deceased or his/her spouse make such a declaration?

If so, state date and place of declaration:

**5. Children (including children from previous marriages, children born outside marriage and adopted children) of the deceased**

In the case of adopted children, please state date and place of adoption and the public authority concerned.

In the case of children born outside marriage, state whether paternity was acknowledged or determined by final court judgement; whether there are or have been proceedings to determine paternity; or whether an application for determination of paternity has been made. Please provide dates in all cases.

a) **surname (including surname at birth, if different):**

**first name/-s:**

**date and place of birth:**

**address:**

**marital status (single, married, widowed, divorced):**

**place and date of death (if applicable):**

b) **surname (including surname at birth, if different):**

**first name/-s:**

**date and place of birth:**

**address:**

**marital status (single, married, widowed, divorced):**

**place and date of death (if applicable):**

c) **surname (including surname at birth, if different):**

**first name/-s:**

**date and place of birth:**

**address:**

**marital status (single, married, widowed, divorced):**

**place and date of death (if applicable):**

*- If there are more children, please enter details on a separate page -*

If any of the persons you have listed above **pre-deceased the deceased** or has formally **disclaimed** his/her share in the estate, please enter below, after the corresponding letter according to the above list, the surname, first names, date and place of birth and address(es) of the **children** (if any) of such person:

children of 5a)

children of 5b)

children of 5c)

*- If there are any more such children, please enter details on a separate page -*

6. **If you have made no entries in Section 5, please provide details of the parents of the deceased** (if they were adoptive parents, please underline the word "adoptive". In this case, please also state names of natural parents on a separate page):

a) **Father**

surname:

first name/-s:

date and place of birth:

address:

date and place of death (if applicable):

b) **Mother**

surname (and – if applicable - maiden name):

first name/-s:

date and place of birth:

address:

date and place of death (if applicable):

7. If you have made entries in Section 6 and any of the persons you have listed there are now dead, please provide details of the deceased's brothers and sisters, if any:

a) surname (and name at birth, if different):  
  
first names:  
  
date and place of birth  
  
address:  
  
date and place of death (if applicable):

b) surname (and name at birth, if different):  
  
first names:  
  
date and place of birth:  
  
address:  
  
date and place of death (if applicable):

c) surname (and name at birth, if different):  
  
first names:  
  
date and place of birth:  
  
address:  
  
date and place of death (if applicable):

*-If there are any more brothers and sisters, please give details on a separate page-*

If any of the deceased's siblings you have listed above **died before** the deceased, please provide details of any **children** of such brothers and sisters (following the above letters):

children of 7a)



children of 7b)

children of 7c)

**Additional information relating to Sections 5-7 above**

Did any of the surviving relatives listed above possess German nationality at the time of the deceased's death? If so, please list their names

8. **If you have made no entries in Sections 5,6 and 7, please provide details of deceased's grandparents and their children, grandchildren, etc.):**

If any of the persons listed in this Section are dead, please state date and place of death.

9. **If you have listed no persons who are alive today in Sections 3 and 5-8, are there any persons related to the deceased who are still alive? If so, who are they?**

10. **Are there any other persons (other than those you have listed in Sections 3-9) alive today who might have a prior or competing claim to the estate?**

11. **Did the deceased leave a valid will (including a joint will) or conclude an inheritance agreement?** If so, please provide details:

Yes       No

date and place the will was made:

**Type of will** (please tick as appropriate)

Private will

handwritten (wholly in the deceased's own hand)

typewritten

number of witnesses:

Public will/inheritance agreement (*this refers only to a will executed before a German "notary-public" or the equivalent in another country with a codified legal system*)

Please give details: (e.g. Erbvertrag, notarielles Testament etc.)

Please give details of the relevant notary public:

Other types of will provided under some legal systems for special situations (e.g. at sea)

Please give details:

**Details of the will**

Was the will delivered to a court or other institution/register for safekeeping after it has been made? (e.g. "amtliche Verwahrung" = safekeeping at a notary/court in Germany)

Yes       No

If yes, please give details, including reference and date. If the will has since been removed from the court/register, please indicate when and where it is now.

Has the will officially been opened by a German court or probated by a foreign court?

Yes       No

If yes, please state date of opening/issuance of grant of probate and issuing court:

Has an executor/have executors been appointed for the estate?

Yes       No

If so, please give executor's name/-s and address/-es:

Has an administrator been appointed in respect of the estate?

Yes       No

If so, please give administrator's name and address:

Do any other wills or testamentary dispositions exist? If so, please list all of them including type and date of execution:

12. **Please list the principal heirs under the valid will (surname, first name, date and place of birth, nationality, address)**

What are their respective shares in the estate under the will or in accordance with inheritance law?

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**13. Further information**

- a) Does the deceased's estate include land in Germany?  
If so, where is it located (please provide information as detailed as possible, including, if applicable, designation in local authority plans or the local land register?)

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Does the estate include any assets in Germany other than land? If so, where are they, and is a certificate of inheritance required for them?

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- b) Is any lawsuit pending in respect of this estate?

Yes       No

If so, before what court?

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Case reference number and date:

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- c) Has a German certificate of inheritance already been issued in respect of the estate or any part of it? Has there been a final court judgement in respect of the estate or any part of it?

Yes       No

If so, issued by which court?

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Case reference number and date:

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- d) What is the estimated value of

i) the total net estate (in the case of land, based on rateable value)?

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ii) the part of the estate located in Germany?

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- e) Is the certificate of inheritance needed for (property)-restitution proceedings in Germany?

Yes       No

If so, please give details of relevant restitution authority (e.g. Jewish Conference on Material Claims against Germany):

Case reference number:

- f) Do you have an authorised representative in the UK? If so, please state details:

Name:

Address:

Telephone number, e-mail:

Do you have a representative in Germany authorised to deal with the proceedings relating to this application? If so, please provide details:

Name:

Address:

Telephone number, e-mail:

- g) When were you informed of the deceased's death and of the basis (i.e. will, inheritance agreement or statutory rights) for your claim on the estate?

*An heir or beneficiary is considered to have accepted his/her inheritance (including any related liabilities) unless he or she has formally disclaimed it. In these terms, have you accepted your inheritance?*

- h) Have all other heirs been informed?

Have they accepted their inheritance (in the terms of (h) above)?

- i) Are you applying for a joint certificate of inheritance for all those with claims on the estate, or just for a certificate for yourself?

- j) Please list all the certificates and documents you have enclosed with this application (see section 1 above) – continue on a separate page if necessary:

- k) Please list here any certificates and documents you cannot obtain (please also state reasons why you cannot obtain them):

- l) Do you speak German well enough for the proceeding to be conducted in German?

Yes       No

.....  
Place, date

.....  
Signature of applicant or his/her representative in the UK

**Please return to**

Embassy of the Federal Republic of Germany  
Legal & Consular Section  
KN 27 St 5  
Kiyovu-Kigali/ Rwanda

email for enquiries: [info@kigali.diplo.de](mailto:info@kigali.diplo.de)