



Embassy
of the Federal Republic of Germany
London

Information on the Q u e s t i o n n a i r e

to prepare for the attesting of an application for a certificate of inheritance or a
European Certificate of Succession (ECS)

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 an 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 bring valid photo identification with you.

Documentation:

You should submit the following **documents** with the application, if they are available:

1. Originals or photocopies (certified, if possible) of all **wills by the deceased**;
 - testamentary dispositions stipulating **which inheritance law should be applied**;
 - insofar as **judicial proceedings** are or have been pending, the documents relating thereto (e.g. probate).
 - If **inheritance has already been proven to the satisfaction of a foreign probate authority**, please submit the documents obtained.
2. The deceased's **death certificate**.
3. If the deceased's **spouse, descendants or other relatives** are the heirs, their **relationship with the deceased** must be proven.
Documents admitted as proof are:
 - a) **a marriage certificate**,
 - b) **a birth certificate or certificate of parentage**; or corresponding certified transcripts or extracts from the family book I

- c) if the deceased's spouse or the relatives entitled to inherit died before the deceased, their **death certificates** must be submitted;
- d) 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;
- e) 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;
- f) 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;
- g) if an heir has **disclaimed the inheritance**, it is sufficient to refer to the probate records.

4. Please also submit letters from lawyers, notaries public, German and foreign authorities if available; in some cases, copies will suffice.

Please send copies only (these do not need to be officially certified) **in advance with the questionnaire.**

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.

Please post a hardcopy of the fully completed questionnaire as well as simple copies of the supporting documentation to:

Embassy of the Federal Republic of Germany
Legal & Consular Section
23 Belgrave Square
London
SW1X 8PZ

Questions can be directed by e-mail to: info@lond.diplo.de

The Embassy will contact you to confirm receipt and provide information regarding the next steps. We would kindly ask you to refrain from enquiries concerning the state of affairs.

Gz.: RK-13 520.50 SK

(completed by the Embassy)

Eingangsstempel der Botschaft

Q u e s t i o n n a i r e

to prepare for the attesting of an application for a certificate of inheritance or a European Certificate of Succession (ECS)

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

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

b) First name(s):

c) Marital status: single married widowed divorced
(please tick)

d) Date, place and country of birth:

e) Profession:

f) Spoken language(s):

The application proceedings for a certificate of inheritance/ECS should be conducted **in German**. Do you have sufficient language skills for this purpose?

Yes No

g) Nationality/-ies:

h) Address, telephone number, e-mail:

i) **Valid** identification document (for German nationals, preferably a German passport):

Nature of document: passport ID-card

No.

Issued on:

Issued by:

<input type="text"/>
<input type="text"/>
<input type="text"/>

j) Relationship to the deceased:

k) Purpose for which the certificate of inheritance/ECS is required: (e.g. to access land/bank account)

2. Details of the deceased:

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

b) First names:

c) Date, place and country of birth:

d) Address at the time of death:

(If the deceased had more than one address, please provide the most relevant.)

e) When and where did the deceased die (according to death certificate)?

f) **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):

Last domicile in the country of which the deceased was a national:

Last place of residence in Germany (with date), if applicable:

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

h) (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 final declaration of death has been issued, please state since when the deceased has been missing, his/her last known domicile, and any additional information supporting the presumption of death:

i) All nationalities 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)

Evidence of nationality: (e.g. passport, certificate of nationality, certificate indicating legal status as German national.)

Former nationalities, if applicable:

(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).)

If stateless:

Nationality acquired at birth:

Date of and reason for emigration:

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)

k)

l) Marital status at time of death: (If not single, please fill in section 3!)

single married widowed divorced

3. **Spouse/-s of the deceased:**

Please also use this section for registered same-sex partners („eingetragene Lebenspartnerschaft“/civil union).

a) **Details of marriage:** (if more than three marriages, please continue on separate sheet)

1st marriage:

a) Surname (and surname at birth, if different):

b) First name(s):

c) Address:

d) Date and place of birth:

e) Date of marriage:

f) Place of marriage and first common domicile:

e) Nationality at the time of marriage:

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):

2nd marriage:

- f) Surname (and surname at birth, if different):
- g) First name(s):
- h) Address:
- i) Date and place of birth:
- e) Date of marriage:
- f) Place of marriage and first common domicile:
- j) Nationality at the time of marriage:
- 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):

b) Matrimonial Property Regime (Güterstand):

- a) Was a **prenuptial agreement/marriage contract** (*regulating property rights*) concluded before a court or notary public for any of the above marriages?
 Yes No
If so, please specify the **type of the property regime** agreed as well as **where, when and under which law** was it concluded? Which **provisions** does it contain?

- 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? Yes No

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

4. Descendants of the deceased:

(Children, including from previous marriages, adopted children and children born out of wedlock)

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

a) Surname (and surname at birth, if different):

First names:

Date and place of birth:

Address:

Marital status: single married widowed divorced
Place and date of death, if applicable:

b) Surname (and surname at birth, if different):

First names:

Date and place of birth:

Address:

Marital status: single married widowed divorced
Place and date of death, if applicable:

c) Surname (and surname at birth, if different):

First names:

Date and place of birth:

Address:

Marital status: single married widowed divorced
Place and date of death, if applicable:

- For further children, please give details on a separate sheet -

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

Children of 4 a)

Children of 4 b)

Children of 4 c)

- For further children, please give details on a separate sheet -

5. Parents of the deceased: (Fill in only if the deceased has no descendants)
(if adoptive parents, please underline the word “adoptive” and also give details of the biological parents):

a) Father of the deceased:

Surname (and name at birth, if different):

First names:

Date and place of birth:

Address:

Date and place of death, if applicable:

b) Mother of the deceased:

Surname (and name at birth, if different):

First names:

Date and place of birth:

Address:

Date and place of death, if applicable:

c) If adopted: Please give details of biological parents:

6. **Siblings of the deceased:** (Fill in only if the parents or one parent of the deceased had passed away at the time of the deceased's death.)

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:

- For further siblings, please give details on a separate sheet -

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

Children of 6 a)

Children of 6 b)

Children of 6 c)

- For further children, please give details on a separate sheet -

7. Grandparents of the deceased on the maternal and paternal side and their descendants: (siblings of the deceased's parents and their children)

Fill in only if the deceased had neither descendants (section 4) nor heirs pursuant to section 5 or 6.

If deceased, please state the date and place of death.

8. If no living persons are name in sections 3-7, which persons related to the deceased are still alive? (e.g. descendants of the deceased persons)

9. 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

10. Did the deceased make any disposition mortis causa (will, joint will or inheritance agreement)?

Yes

No

If so, please respond to the following questions, otherwise continue with section 11.

a) Type of disposition:

Will

Joint will

Inheritance agreement/deed of succession

b) Date and place of execution:

c) Did the deceased make a **choice of law** regarding the succession (and the validity of his/her will)? If so, which law was chosen?

d) **Form** of disposition: (Please tick)

Private will:

handwritten (wholly in the deceased's own hand)

typewritten before witnesses

Number of witnesses? (esp. in case of a will erected under British law)

Public will/inheritance agreement

*(Please note that in the **UK** and other countries where Anglo-American law applies, a notary public has no power equivalent to that of a German notary. A will notarised by such a notary public is **not deemed to be a public one.**)*

Please give details (e.g. „Erbvertrag“, „notarielles Testament“)

Please give details of the relevant notary (with address):

- Special types of testamentary dispositions envisaged under specific legal systems for certain situations (e.g. in case of mortal danger etc.)

Please give details:

- e) Was the will delivered to a court or other institution/register for safekeeping after it has been made?
 Yes No

If so, 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.

- f) Has the will officially been opened by a German court or probated by a foreign court?
 Yes No

If so, please state date of opening/issuance of grant of probate by foreign court:

- g) Has an executor/have executors been appointed for the estate?
 Yes No

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

- h) Has an administrator been appointed in respect of the estate?
 Yes No

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

- i) Does the will provide for provisional succession or estate in remainder?
 Yes No

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

- k) **Please list the principal heirs under the valid will/testamentary disposition** (surname, first name, date and place of birth, nationality, address):

11. **To which portions of the inheritance are the heirs appointed by a testamentary disposition or statutory heirs entitled?**

12. Further information:

- a) Does the deceased's estate include **land in Germany**? If so, where is it located? (Please provide as much detail as possible, including the specifications contained in the cadastre or land register, if known.) Is a certificate of inheritance/ECS needed to access this?

Does the estate include **property in Germany other than land** (e.g. firms, bank accounts)? If so, where is it located, and is a certificate of inheritance required for it?

- b) Is any **lawsuit** concerning the right of succession pending?

Yes **No**

If so, before which court?:

Case reference number and date:

- c) 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?

Yes **No**

If so, by which court?:

Case reference number and date:

- d) Are there any other assets? Where are they located? (Please provide as much detail as possible)

- e) What is the estimated marked value of the estate (in EUROS)?

i) the entire estate, excluding any debts:

ii) the part of the estate located in the Federal Republic of Germany:

- f) Is the certificate of inheritance needed for reparation, restitution or equalisation-of-burden proceedings? (Please underline as appropriate.)

Yes **No**

Authority responsible for indemnification/equalisation of burdens:

Reference no.:

- g) Representative:

Do you have a local authorised representative?

Yes **No**

Please specify name and contact details (address, phone number, e-mail):

Do you have a representative in the Federal Republic of Germany authorised to deal with further inheritance proceedings?

Yes **No**

Please specify name, contact details (address, phone number, e-mail address) and type of power of attorney:

If you have no authorised representative in the Federal Republic in Germany, do you wish to authorise a person to represent you in further inheritance proceedings?

Yes **No**

Please specify name and contact details (address, phone number, e-mail):

To which person (if not yourself) should the probate court send the certificate of inheritance/certified copy of the ECS? (name and address)

- h) When were you **informed** of your inheritance and of the reasons for your entitlement as an heir (will, deed of succession or statutory succession)?

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

Yes **No**

i) Have all other heirs been informed of the inheritance?

Yes **No**

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

Yes **No**

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

k) Are you applying for a **European Certificate of Succession (ECS)**? For which country?

l) I enclose copies of the following certificates and documents (see list in the information sheet):

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

.....
Place, date

.....
Signature of the applicant or local authorised representative