

Translation

Annex 1 to Circular Order 52-48 - 507-520.50

Standard Questionnaire

to prepare for the recording by a consular officer of an application for a certificate of inheritance

Please type or print.

Any references to one gender in this questionnaire include both genders.

I.

Your replies to this questionnaire simplify the process of applying for a certificate of inheritance. The facts required to substantiate the application for the issuance of the certificate of inheritance 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 with you a valid identification document with photograph.

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

1. Originals or photocopies (if possible, authenticated) of all wills by the deceased; 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 by submitting the relevant documents from the following list:

- (a) marriage certificate;
- (b) birth certificate or certificate of parentage; or corresponding authenticated transcripts or extracts from the family book;
- (c) if the deceased's spouse or the relatives entitled to inherit died before the deceased, their death certificates must be submitted;
- (d) if a renunciation of inheritance had been agreed with the deceased by heirs having an entitlement equal or higher-ranking to that of the applicant, 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 until 1 April 1998), an authenticated transcript or copy of the advance inheritance payment agreement must be submitted;
- (f) if an agreement had been made between a father and his child 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, an authenticated 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.

If available, please also submit letters from lawyers, notaries public, German and foreign authorities; if necessary, copies will suffice.

It is in the applicant's interest to submit to the consular officer 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.

II.

1. Information relating to the applicant:

- (a) Surname (and name at birth, if applicable; if divorced or widowed, list surname(s) previously used):
- (b) Forenames:
- (c) Date and place of birth (town and country):
- (d) Profession:
- (e) Language:
- (f) Nationality:
- (g) Address and telephone number:
- (h) Identification document (for German nationals, preferably German passport):
No.
Register No.
Issued on
Issuing authority
- (i) Relationship with the deceased:
- (j) Purpose for which the certificate of inheritance is required:

2. Information relating to the deceased

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

- (c) Date and country of birth:
- (d) Date and place of death (death certificate):
- (e) Domicile at time of death:

Duration of the deceased's last period of domicile in this country:

Administrative area in which he was domiciled (administrative district, province etc, federal state):

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

- (f) If missing:

If a final declaration of death has been made, 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, state since when the deceased has been missing, last known domicile, and any additional information to support the presumption of death:

- (g) Nationality at 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.)

Nationality proven by:

Certificate of nationality;
certificate indicating legal status as a German;

if German by naturalization 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), state previous nationality as well:

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

If the deceased was denaturalized 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 renaturalized and did not acquire a foreign nationality, he is to be regarded as stateless.

If stateless:

Nationality acquired at birth:

Date of and reason for emigration:

- (h) Marital status at time of death (single, married, widowed, divorced):
- (i) Date of marriage:
First marriage:
Second marriage:
- (j) Place of marriage and first common domicile:
First marriage:
Second marriage:
- (k) Nationality at time of marriage:
First marriage:
Second marriage:
- (l) Did the deceased live in Germany at any time? – If so, when and where?
- (m) 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. Information relating to the spouse of the deceased:

First marriage:

- (a) Surname (name at birth, if applicable):
- (b) Forenames:
- (c) Address:
- (d) Date and place of birth:
- (e) Nationality at time of marriage:
- (f) Date and place of death or divorce (for divorce, state the court which pronounced the final decree and the date and reference number of the judgement):

Second marriage:

- (a) Surname (and name at birth, if applicable):
- (b) Forenames:
- (c) Address:
- (d) Date and place of birth:
- (e) Nationality at time of marriage:
- (f) Date and place of death or divorce (for divorce, state the court which pronounced the final decree, the date and reference number of the judgement):

4. (a) Was a marriage contract (regulating property rights) concluded before a court or notary public?

If yes, where, when and under what law was it concluded? What provisions does it contain?

Type of property regime agreed on:

- (b) 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?

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

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

In the case of adopted children, state place and date of adoption and the authority responsible for the adoption.

In the case of children born outside of marriage, state whether paternity has been acknowledged or determined by a final court judgement or whether proceedings to determine paternity are pending, or when in the past they have been pending, or whether and when an application to determine paternity will be made.

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

Forenames:

Date and place of birth:

Address:

Marital status (single, married, divorced, widowed):

Place and date of death:

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

Forenames:

Date and place of birth:

Address:

Marital status (single, married, divorced, widowed):

Place and date of death:

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

Forenames:

Date and place of birth:

Address:

Marital status (single, married, divorced, widowed):

Place and date of death:

If further children, please enter details overleaf.

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

Children of 5 (a)

Children of 5 (b)

Children of 5 (c)

If further children, please enter details overleaf.

6. If the deceased has no descendants:

Parents of the deceased (if adoptive parents, please underline the word "adoptive" and also give details of the natural parents):

(a) Father:

Surname (and name at birth, if applicable):

Forenames:

Date and place of birth:

Address:

Place and date of death:

(b) Mother:

Surname (and name at birth):

Forenames:

Date and place of birth:

Address:

Place and date of death:

7. If one or both of the parents are dead:

Siblings of the deceased:

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

Forenames:

Date and place of birth:

Address:

Place and date of death:

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

Forenames:

Date and place of birth:

Address:

Place and date of death:

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

Forenames:

Date and place of birth:

Address:

Place and date of death:

If further siblings, enter details overleaf.

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

Children of 7 (a)

Children of 7 (b)

Children of 7 (c)

8. If the deceased has neither descendants (section 5) nor heirs (section 6 or 7), name his paternal and maternal grandparents and their descendants (siblings of the deceased's parents and the children of these siblings):

If dead, state date and place of death.

9. If no living persons are named in sections 3 and 5-8, which persons related to the deceased are still alive?
10. Are or were there other persons, due to whom the named heir(s) could be excluded from the inheritance or could have their portion of the inheritance reduced?
11. Did the deceased make a disposition mortis causa (testamentary disposition) in the form of a will, joint will or contract of inheritance?

Date and place of execution:

Type of testamentary disposition:

(1) Private

- (a) hand-written (wholly in the deceased's own hand)
- (b) typewritten before witnesses (how many?)
(only in countries where Anglo-American law applies)

(2) Public

Before whom was it executed (e.g. notary public)?

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

- (3) Special types of testamentary disposition envisaged under specific legal systems for certain situations (e.g. in case of deadly peril, etc.)

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

Where is the document now?

Has executorship of the estate been stipulated?

Name and address of the executor:

Has administration of the estate been stipulated?

Name and address of the administrator:

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

Has the deceased made any other dispositions mortis causa? If so, list them here:

Who are the heirs appointed by the deceased in such dispositions mortis causa (surnames, forenames, 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. Miscellaneous:
- (a) Does the deceased's estate include land in Germany? If so, where is it located (please give the most precise information possible, including the specifications

contained in the cadaster or land register, if known)? Is the certificate of inheritance needed for this purpose?

Does the estate include property in Germany other than land? If so, where is it located? Is the certificate of inheritance needed for this purpose?

(b) Is a lawsuit concerning the right of succession pending?

(c) If yes, before which court?

Ref.:

Date:

(d) Has a certificate of inheritance already been issued for the whole estate or a part thereof or has a final court judgement been handed down?

If yes, by which court?

Ref.:

Date:

(e) What is the estimated market value of

(a) the entire estate, excluding any debts;

(b) that part of the estate located in Germany:

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

Authority responsible for indemnification/equalization of burdens:

Ref.:

(g) Do you have a local authorized representative?

Name:

Address:

Telephone number:

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

Name:

Address:

Telephone number:

What power of attorney have you granted?

If you have no authorized representative in the Federal Republic of Germany, are you willing to authorize a person to represent you in further inheritance proceedings?

Name:

Address:

Telephone number:

(h) To which other persons should the probate court send the certificate of inheritance?

Name:

Address:

- (i) When were you informed of your inheritance and of the reasons for your entitlement as heir (will, contract of inheritance or statutory succession)?

Have you accepted the inheritance? (if not disclaimed, it is deemed accepted)

- (j) Have your co-heirs been informed of the inheritance?

Have they accepted the inheritance? (if not disclaimed, it is deemed accepted)

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

- (l) I enclose the following certificates and documents (see section I above – pages 1-2):

- (m) I shall submit the following certificates and documents (see section I above) to the probate court in due course:

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

- (o) The application proceedings for a certificate of inheritance should if possible be conducted in German.

Do you have an adequate command of German?

14. (a) I request that a date for the recording of the application proceedings for the certificate of inheritance by a consular officer be fixed.

The following dates are not convenient:

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

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(Signature of the applicant
or his local authorized representative)