

Standard Questionnaire

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.

I. General Information

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.

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
- 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.

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

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.

II. Inheritance matters

1. Information about the applicant:

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

- b) First names:

- c) Date, place and country of birth:

- d) Profession:

- e) Language:

- f) Nationality:

- g) Religion (Was the deceased **legally** a member or non-member of a church, religious community or philosophical community at the time of death?):

- h) Address and telephone number:

- i) Identification document (for German nationals, preferably a German passport):

Type:

No:

issued on:

valid until:

- j) Relationship to the deceased:

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

- Bank account
 Property
 Company shares
 Other:

2. **Information about the deceased:**

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

b) First names:

c) Date, place and country of birth:

d) When and where did the deceased die (death certificate)?

e) Religion (Was the deceased **legally** a member or non-member of a church, religious community or philosophical community at the time of death?):

f) Address at the time of death: (If the deceased had more than one address, please provide the most relevant):

g) Where are the **deceased's assets** for which a formal certificate of inheritance is required?
 in Germany
 in Iran
 in another EU-member state (not in Denmark)
 other

h) **Nationality at the time of death:**
 Iranian
 German
 Other

i) **Marital status** at time of death:
 Single (has never been married)
 Married
 Widowed
 Divorced

j) **Date of marriage:**
1. First marriage:
2. Second marriage:

k) **Did the deceased live in Germany at any time? If so, when and where?**

3. Spouse of the deceased:

First marriage:

- a) Surname (and name at birth, if applicable):
- b) First names:
- c) Address:
- d) Date and place of birth:
- e) Nationality:
- f) Religion (Was the deceased **legally** a member or non-member of a church, religious community or philosophical community at the time of death?):
- g) 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):

Second marriage:

- a) Surname (and name at birth, if applicable):
- b) First names:
- c) Address:
- d) Date and place of birth:
- e) Nationality:
- f) Religion (Was the deceased **legally** a member or non-member of a church, religious community or philosophical community at the time of death?):
- g) 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

- a) 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?

Type of **property regime** agreed:

- 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?
 YES NO

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

5. 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 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.

- A.) a) Surname (and name at birth, if applicable):
b) First names:
c) Date and place of birth:
d) Address:
e) Religion/Philosophical community:
f) Place and date of death:
- B.) a) Surname (and name at birth, if applicable):
b) First names:
c) Date and place of birth:

- d) Address:
- e) Religion/Philosophical community:
- f) Place and date of death:

- C.) a) Surname (and name at birth, if applicable):
- b) First names:
- c) Date and place of birth:
- d) Address:
- e) Religion/Philosophical community:
- f) Place and date of death:

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 5 A)
- Children of 5 B)
- Children of 5 C)

For further children, please enter the details overleaf.

6. Parents of the deceased

(if adoptive parents, please underline the word “adoptive” and also give details of the biological parents):

A.) Father:

- a) Surname (and name at birth, if applicable):
- b) First names:
- c) Date and place of birth:
- d) Address:
- e) Religion/Philosophical community:
- f) Place and date of death:

B.) Mother:

- a) Surname (and name at birth, if applicable):
- b) First names:
- c) Date and place of birth:
- d) Address:
- e) Religion/Philosophical community:

f) Place and date of death:

7. If one or both of the parents are deceased and NO descendants:

Siblings of the deceased:

A.) a) Surname (and name at birth, if applicable):
b) First names:
c) Date and place of birth:
d) Address:
e) Religion/Philosophical community:
f) Place and date of death:

B.) a) Surname (and name at birth, if applicable):
b) First names:
c) Date and place of birth:
d) Address:
e) Religion/Philosophical community:
f) Place and date of death:

C.) a) Surname (and name at birth, if applicable):
b) First names:
c) Date and place of birth:
d) Address:
e) Religion/Philosophical community:
f) Place and date of death:

For further siblings, please enter the 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. Further possible heirs

- a) If the deceased has neither descendants (section 5) nor heirs pursuant to sections 6 or 7, please name his or her **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.

- b) If no living persons are named in sections 3 and 5 to 8, which persons related to the deceased are still alive?

- c) 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**?

9. Disposition mortis causa

- a) Did the deceased make a **choice of law** regarding the **succession** (and the validity of his/her will) in the form of a „**disposition mortis causa**“?

Date and place of execution:

Choice of law:

- b) Did the deceased make **any other disposition mortis causa** (testamentary disposition), e.g. a will, joint will, deed of succession?

Date and place of execution:

Type of testamentary disposition:

aa) Private will:

- handwritten (wholly in the deceased's own hand)
 typewritten before witnesses (how many?)

bb) Public will?

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

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

[]

Where is the document now?

[]

10. Estate:

- 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 cadastre or land register, if known.)

[]

Is a certificate of inheritance/ECS needed for this purpose?

YES

NO

- b) Does the estate include **property** in Germany **other than land**? If so, where is it located? Is a certificate of inheritance/ECS needed for this purpose?

[]

- c) Is a **lawsuit** concerning the right of succession pending?

YES

NO

If so, before which court?

[]

Reference no.:

[]

Date:

[]

- d) 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?

[]

Reference no.:

[]

Date:

[]

- e) What is the **estimated market value** of
- the entire estate, excluding any debts?

[]

- the part of the estate located in the Federal Republic of Germany?

11. Miscellaneous

- a) Do you have a **local authorised representative**?

Name:

Mail:

Tel:

Address:

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

Name:

Mail:

Tel:

Address:

- c) To which other persons should the **probate court** send the **certificate of inheritance/certified copy of the ECS**?

Name:

Address:

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

- e) Did you accept the inheritance?

(If an inheritance is not disclaimed, it is regarded as having been accepted.)

YES

NO

- f) Have your **co-heirs** been **informed** of the inheritance?

Did they accept the inheritance?

(If an inheritance is not disclaimed, it is regarded as having been accepted.)

YES

NO

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

YES

NO

- h) Are you applying for a **European Certificate of Succession (ECS)**?

YES

NO

i) I enclose the following **certificates and documents** (see section I above on pages 1–2):

- My passport copy
- The deceased's death certificate
- The deceased's birth certificate
- The deceased's last will (if applicable)

If the parents of the deceased have already passed away:

- Death certificate of the deceased's mother
- Death certificate of the deceased's father

If the deceased was married:

- Marriage certificate
- Divorce certificate (if applicable)
- Death certificate of the spouse (if applicable)

If the deceased had children:

- Birth certificates of the children
- Death certificates of the children (if applicable)

Others:

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

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

l) 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

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