

# 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.

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.
  - With regard to the procedure of obtaining an Apostille please refer to the information provided on the website of the German Missions in Australia:  
<http://www.australien.diplo.de/certifications>
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.

**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) Address and telephone number:
- h) Identification document (for German nationals, preferably a German passport):
  - No. ....
  - Register no. ....
  - Issued on: .....
  - Issued by:.....
- i) Relationship to the deceased:
- j) Purpose for which the certificate of inheritance/ECS is required:

**2. Information about the deceased:**

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 (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:**

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

**h) 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:

**i) 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.)

Nationality proven by:

A certificate of nationality:

A certificate indicating legal status as a German national:

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?

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".

- If **stateless**:

Nationality acquired at birth:

Date of and reason for emigration:

**j) Marital status** at time of death (single, married, widowed, divorced):

**k) Date of marriage:**

1. First marriage:
2. Second marriage:

**l) Place of marriage and first common domicile:**

First marriage  
Second marriage

**m) Nationality at the time of marriage:**

First marriage  
Second marriage

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

- o) 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 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 at the time of marriage:
- f) 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 at the time of marriage:
- f) 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?

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?

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

First names:

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):

First names:

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):

First names:

Date and place of birth:

Address:

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

Place and date of death:

For further descendants, please enter the details overleaf.

**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. If the deceased has no descendants:

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

a) Father:

Surname (and name at birth, if applicable):

First names:

Date and place of birth:

Address:  
Date and place of death:

b) Mother:

Surname (and name at birth, if applicable):  
First names:  
Date and place of birth:  
Address:  
Date and place of death:

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

**Siblings of the deceased:**

a) Surname (and name at birth, if applicable):  
First names:  
Date and place of birth:  
Address:  
Date and place of death:

b) Surname (and name at birth, if applicable):  
First names:  
Date and place of birth:  
Address:  
Date and place of death:

c) 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 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 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.

9. If no living persons are named in sections 3 and 5 to 8, **which persons related to the deceased are still alive?**

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**?
11. 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:

12. 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:

**- Private will:**

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

**- Public will?**

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

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** of testamentary disposition envisaged under specific legal systems for certain situations (e.g. in case of mortal danger etc.)

- 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?

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**?

- Do further dispositions mortis causa exist? If so, 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)?

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

**14. 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 cadastre or land register, if known.)

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

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?

d) If so, before which court?

Reference no.:

Date:

e) 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?

f) If so, by which court?

Reference no.:

Date:

g) 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?

h) Is the certificate of inheritance needed for reparation, restitution or equalisation-of-burden proceedings? (Underline as appropriate)

Authority responsible for indemnification/equalisation of burdens:

Reference no.:

i) **Representative**

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

Name:

Address:

Telephone no.:

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

Name:

Address:

Telephone no.:

What power of attorney have you granted?



- If you have no authorised representative in the Federal Republic of Germany, are you willing to authorise a person to **represent you in further inheritance proceedings?**

Name:

Address:

Telephone no.:

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

Name:

Address:

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

Did you accept the inheritance?

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

- l) 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.)

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

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

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

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

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

- r) 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?

14.

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

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