

## 5 Things You Need to Know about German Probate and Inheritances

### **Introduction:**

Has a relative or close friend who lived in Germany or who had assets in Germany passed away?

Do you live outside of Germany and not know how to handle the German inheritance or special legacy (*Vermächtnis*) in a foreign country, the laws of which are entirely unfamiliar to you?

Is traveling to Germany to get these affairs in order difficult to imagine and also rather costly, particularly without knowing how long the process will take?

The following facts will help you with this situation and guide you in taking the necessary actions:

1. German banks usually do not accept the presentation of only the last will and testament as a proof for a person's acquisition by the way of death.
2. The beneficiary, who is to take ownership of the inheritance or assets, will likely have to prove status as an heir by obtaining and presenting official documents specifically for this purpose.
3. In Germany, the probate procedures required in order to obtain these documents are very formal.
4. Most German probate courts only accept correspondence in the German language.
5. In addition, an acquisition by the way of death, or an inheritance in the above situation, can trigger German inheritance tax duties.

### **Conclusion:**

Regardless of whether you can speak and/or read German, you need professional assistance with the various procedures that usually become necessary in Germany: Correspondence with third parties in Germany (e. g. banks) or German authorities, the German probate court and – if necessary – even an application for a German official certification that can prove your position as the decedent's heir (i. e. an *Erbschein*) or as the executor. The legal situation for special legacies is slightly different.

### **Difficulties with a German inheritance's settling or administration and with inheritance taxes**

Common examples of German assets in a decedent's estate are German immovable property (real estate), a German bank account or a security deposit, or, in some cases, even shares in a German business company or in a German corporation.

Additional issues of importance are the coordination with the German inheritance tax office, potential applications for German inheritance tax purposes, and, even more important, the proper and timely fulfillment of your inheritance tax duties in Germany.

It might also become necessary to raise claims against other persons who participate in the decedent's estate or who are in possession of certain assets from the estate, or even to take part in estate litigation procedures in Germany.

The defense against claims, e.g. from persons who believe themselves to have a compulsory portion (*Pflichtteil*) in the decedent's estate, or from other creditors of the decedent, might also be of relevance for you. Professional assistance can help to avoid a rather costly law suit in Germany.



Watch our short video: “Orientation Guide for the Settling and Administration of an Estate in Germany” by clicking [this link](https://youtu.be/uyr91Rhi8uw) <https://youtu.be/uyr91Rhi8uw>

#### **About the author and DR. HOSSER Rechtsanwalt:**

Dr. Marcus Hosser is a German attorney-at-law, Certified Inheritance Lawyer, Certified Tax Lawyer, and also a full member of the Society of Trust and Estate Practitioners (STEP Ltd., London). Our law firm is familiar with providing counsel in English (or German) and in international contexts.

Many of our law firm's clients reside abroad and do not have the opportunity or capacity to come to Germany in a timely manner to take care of the German inheritance and other matters. Our professional assistance can make that unnecessary. For our clients from abroad, we offer conference calls or even video calls (no special technical equipment on your side needed). Those opportunities in combination with email correspondence allow us to stay in close contact with our clients from foreign countries.

**Call Dr. Marcus Hosser, TEP today at +49 69 97 461 239 or send an email to [anwalt@dr-hosser.de](mailto:anwalt@dr-hosser.de)**