

# Probate - will opening after the occurrence of the succession

After the death of the testator, the probate court must formally open all dispositions of death (including revoked or ineffective ones) ex officio (wills and inheritance contracts).

## Competent Department

- [Amtsgericht Bremen](#)
- [Amtsgericht Bremen-Blumenthal](#)
- [Amtsgericht Bremerhaven](#)

## Basic information

Anyone who is in possession of a testamentary disposition (will / inheritance contract) is obliged to deliver it in original to the probate court for the purpose of its opening. This may also be a court in the place of residence/near the place of residence of the person who is in possession of the disposition of death. Failure to deliver shall constitute a criminal offense. Delivery must be made immediately after knowledge of the testator's death, i.e. without culpable delay. Inequities are to be accepted for this. The testamentary dispositions that are in special official custody do not require a separate copy to be delivered. It is not necessary to make copies after submission to the probate court.

## Requirements

As soon as the probate court becomes aware of the death of a testator, it must open the existing wills / inheritance contracts.

## What documents do I need?

- Death certificate

If available, please also submit an original death certificate

- Request for opening

The procedure will be accelerated if a completed request for opening is submitted to . Such an application can be obtained via the homepage of the Bremen District Court or in room 13 of the Bremen District Court.

- Last Will and Testament

Any wills or contracts of inheritance found in the estate or kept for the deceased must be submitted in the original for opening immediately after the death has come to our knowledge.

## Procedure

The competent probate court is the local court at the last habitual residence of the deceased. This is not necessarily the last residence under civil law, but the place where the deceased last had his or her center of life.

If a disposition of property upon death is already in the special official custody of another local court or if a disposition of property upon death that has been found is handed over there, the latter is only responsible for the opening and subsequently forwards the disposition of property upon death to the competent probate court.

The opening takes place without the presence of the parties involved. If necessary, you will be requested by the probate court to provide further information, insofar as this is possible for you. This concerns in particular details of the persons named in the disposition of property upon death, the legal heirs and the existence of real estate and/or companies entered in the commercial register.

The parties involved will then be informed of the content of the opened disposition(s) of death concerning them by sending certified photocopies. The originals remain in the probate file or, if necessary, are taken back into special official custody.

No examination of the content or legal assessment is carried out in the opening procedure. To clarify any doubts, please contact a member of the legal profession (lawyer or notary).

## Legal bases

- [Ablieferungspflicht: § 2259 Bürgerliches Gesetzbuch](#)
- [Eröffnung von Verfügungen von Todes wegen: § 348 Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit](#)

## What are the costs?

100,00 EUR for the opening of a death warrant. If openings are made at different local courts or if further dispositions on account of death occur later, the fee is charged for each opening (opening protocol). The heir(s) is/are liable to pay the costs of these proceedings.

# Frequently asked Questions

- **Who is a party to the opening proceedings?**

The parties involved include the statutory heirs and the heirs and beneficiaries (e.g. legatees) named in the disposition upon death.

- **Who are the legal heirs?**

Legal heirs are those persons who would have become heirs if there had been no disposition of property upon death.

In addition to the spouse, the legal heirs include the following

1. the descendants of the deceased. If there are no descendants
2. the parents of the deceased. If these or one parent are deceased:
3. the siblings or, of predeceased siblings, their descendants.

If these are also not present:

4. the grandparents of the testator.

- **How does the probate court learn of the death of a testator?**

Notification of the death of a testator is made via the Central Register of Wills maintained by the Federal Chamber of Notaries in cases where a disposition of property upon death is in special official custody.

In other cases, the notification is made via the registry office recording the death. No other institutions are involved in informing the probate court.

- **I have received a notice of probate - what happens now?**

You will also receive instructions with the notification of the reading of the will. Please read these carefully. If you have any further questions, please contact a member of the legal profession, as the local court is not permitted to provide legal advice.

- **Where was the deceased buried ?**

Burial is a matter for the relatives.

If no relatives are known, the burial is carried out by the Institute of Forensic Medicine. The probate court has no influence on the burial and does not commission it. The probate court is also not notified of a burial that has taken place.

- **The apartment of the deceased is sealed, the police referred me to the probate court**

If relatives need access to the apartment in order to settle the estate and if the apartment keys are kept with the probate court, the keys can (only) be handed over to the potential heirs.

If there are several heirs, all of them must agree to the keys being handed over to one of the heirs. For this purpose, it is sufficient to submit a written declaration of consent.

An appointment must be made in advance to hand over the keys. This will clarify which further evidence must be submitted for the handover in the individual case.

- **My tenant has died - what can I do ?**

You may notify the appropriate probate court in writing of your tenant's passing and inquire if there are any known heirs.

For this purpose, please be sure to submit a copy of the lease agreement as proof of your legitimate interest. Otherwise, no information can be provided to you.

If no heirs are known to the probate court, it will check whether special estate protection measures need to be taken. For this purpose, information on any existing assets of the deceased is also required. It therefore helps to speed up the proceedings if the request is accompanied by information on the bank at which the deceased maintained the account from which the rent payments were made.

With regard to questions about what rights and obligations you now have as a landlord, please contact a member of the legal advisory professions. The probate court cannot give you any information on this.

- **I would like to purchase a house whose owner is deceased.**

Information on the proceedings can only be provided to persons who have a legitimate interest. As a prospective buyer, you unfortunately do not belong to this group of persons, so that no information about possible heirs can be provided to you.

- **I have a claim against the deceased.**

If you can prove your legitimate interest, you can obtain information about possible heirs of the deceased. Please make your request in writing only, providing proof (copy of invoice, statement of claim, contract documents).

If you want to know how to assert your claim against the heirs or the estate, you must seek legal advice. The local court is not authorized to provide legal advice.

- **What if I had no contact with the decedent?**

If there was no contact with the deceased, information from the civil register can be obtained to confirm the death. An inquiry at the probate court is also possible.