

99046002086000, 99046002086000

Waiving an inheritance

Heruntergeladen am 17.06.2025

<https://fimportal.de/xzufi-services/311320384/L100012>

Modul	Sachverhalt
Leistungsschlüssel	99046002086000, 99046002086000
Leistungsbezeichnung I	Waiving an inheritance
Leistungsbezeichnung II	Waiving an inheritance
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Schleswig-Holstein
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Niederschrift (086)
SDG-Informationsbereich	Erbsprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Erbschaft, Nachlass und Testament (1190200)
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	Nein
Fachlich freigegeben am	11.11.2024
Fachlich freigegeben durch	Federal Ministry of Justice (BMJ)
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377
Teaser	If you inherit and waive this inheritance, you must declare this to the probate court.
Volltext	<p>As an heir, you must decide whether to accept or reject the inheritance.</p> <p>This applies regardless of whether you inherit on the basis of intestate succession, a will or an inheritance contract.</p> <p>First find out what assets and debts there are. If you do not wish to accept the inheritance, you must expressly declare the waiver.</p> <p>It is not sufficient to submit a written declaration. You can declare the waiver of the inheritance to the probate court or submit a publicly notarized declaration.</p> <p>The local court is responsible for this,</p> <ul style="list-style-type: none"> • in whose district the deceased had his or her habitual residence or • in whose district you have your habitual residence. <p>If you have effectively renounced the inheritance, you will be treated as if the inheritance had never been received.</p>
Erforderliche Unterlagen	<p>You must provide the following documents and proof:</p> <ul style="list-style-type: none"> • Identity card or passport with registration certificate • Information on this can be obtained from the probate court. You must submit the application to the family court responsible for the child's habitual residence. • In the case of waiver by a guardian: approval from the guardianship court. • If the waiver is to be declared for an heir who is a minor: the approval of the family court may be required
Voraussetzungen	You are an heir and would like to disclaim an inheritance.

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Kosten	<p>The fees for a probate are based on the value of the inheritance .</p> <p>If the estate is over-indebted, a probate will only incur costs of 30 euros.</p>
Verfahrensablauf	<ul style="list-style-type: none"> • You go to the probate court in person and have your declaration recorded in writing. • Alternatively, you can go to a notary and have your declaration notarized. The declaration must then be taken to the probate court. • Important note: An informal letter to the relevant probate court is not sufficient. • It is also possible to submit the declaration of renunciation to the probate court in a publicly notarized form.
Bearbeitungsdauer	<p>The competent court immediately accepts the waiver of an inheritance by personal declaration.</p>
Frist	<p>6 Woche(n)</p> <p>This period generally applies from the moment you learn of the inheritance and the reason for your appeal.</p> <p>6 Monat(e)</p> <p>The time limit applies if the deceased's last place of residence was abroad or if you, as the heir, were abroad when the time limit began. If you have been appointed as heir by a will or contract of inheritance, the time limit only begins when the probate court has announced the disposition of property upon death.</p>
weiterführende Informationen	<p>https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Erben_Vererben.html</p> <p>https://www.justizadressen.nrw.de/de/justiz/suche</p>
Hinweise	<p>In the event that the heir is a minor:</p> <p>For underage children, only the legal representative can waive the inheritance. This is the person who has custody of the child. If both parents have custody of the child, they can only waive the inheritance for their child jointly.</p> <p>Waiver after acceptance of the inheritance:</p> <p>In principle, you can no longer waive an inheritance once you have accepted it. If you did not know that the estate was over-indebted, you may be able to contest</p>

Modul

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the acceptance of the inheritance. The contestation is subject to a time and form limit:

- 6 weeks deadline
- Submitted as a declaration to the probate court or notary public

The effective contestation removes the legal consequences of the previous waiver or acceptance. Due to the complicated legal issues involved, it is often advisable to seek legal advice in good time.

Rechtsbehelf

Kurztext

- The heir must decide whether to accept or reject the inheritance
- Inheritance on the basis of intestate succession, a will or inheritance contract
- The heir should find out what assets and debts are available, then expressly declare the waiver if necessary
- Personal declaration to the probate court or submission of the declaration of renunciation in publicly notarized form to the probate court is necessary; a simple letter is not sufficient
- if the waiver is successful, the heir is treated as if the inheritance had never been received

Ansprechpunkt

Zuständige Stelle

Formulare

Ursprungsportal

Erbschaft ausschlagen, Waiving an inheritance