

99046002086000, 99046002086000

Requesting a record of the waiver of an inheritance

Heruntergeladen am 17.06.2025

<https://fimportal.de/xzufi-services/9575287/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99046002086000, 99046002086000
Leistungsbezeichnung I	Requesting a record of the waiver of an inheritance
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Niederschrift (086)
SDG-Informationsbereich	Erbansprüche und -pflichten in einem anderen Mitgliedstaat, einschließlich Steuervorschriften
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	12.05.2021
Fachlich freigegeben durch	Ministry of Justice Mecklenburg-Western Pomerania
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377 https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377
Teaser	If you have become an heir, you must decide whether to accept or waive the inheritance. You can declare the renunciation of the inheritance to the probate court.
Volltext	<p>If you have become an heir, you must decide whether to accept or reject the inheritance. This applies regardless of whether you inherit on the basis of intestate succession, a will or an inheritance contract. First find out what assets and debts are available. 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.</p> <p>If the inheritance has been effectively disclaimed, the disclaiming party is treated as if the inheritance had never been received.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Identity card or passport with registration certificate • It is not mandatory to submit the death certificate. If no death certificate is available, you must state the full name (with maiden name), the date of death and the last habitual residence of the deceased person. • Indicate minor children as co-heirs: The approval of the family court may be required (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. Proof of approval must be submitted to the probate court within the deadline. • If a guardian declares the waiver, the approval of the guardianship court is required. Proof of approval must be provided within the deadline for waiver.

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Voraussetzungen	You are an heir and would like to waive an inheritance.
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. • Please note: A simple letter to the competent probate court is not sufficient.
Bearbeitungsdauer	The waiver of an inheritance by personal declaration is accepted immediately.
Frist	<ul style="list-style-type: none"> • Six weeks from the moment you learn of the inheritance, • If you have been appointed as heir by a will or contract of inheritance, the period only begins when the probate court has announced the disposition of property upon death. • Six months if the deceased's last place of residence was only abroad or • you as heir or heiress were abroad when the period began.
weiterführende Informationen	<p>Information from the Federal Ministry of Justice on inheritance and bequests</p> <p>https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Erben_Vererben.html</p> <p>https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Erben_Vererben.html</p>
Hinweise	<p>Minors</p> <p>For underage children, only the legal representative can waive the inheritance. The legal representative 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 inadmissible after acceptance of the inheritance</p> <p>In principle, the inheritance can no longer be waived once the heir has accepted the inheritance. In other words, he/she has shown by his/her conduct that he/she accepts his/her position as successor to the deceased. If the heir did not know that the estate was overindebted, he/she may be able to contest the acceptance of the inheritance. The contestation is subject to a time and form limit (6 weeks, declaration</p>

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	to the probate court or the notary). 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	<ul style="list-style-type: none"> • Decision to accept or reject an inheritance • Inheritance on the basis of legal succession, a will or inheritance contract • Personal declaration to the probate court
Ansprechpunkt	
Zuständige Stelle	<p>The locally competent probate court. This is either the local court in whose district the deceased had his/her last habitual residence or the local court in whose district the person making the waiver has his/her habitual residence. https://www.justizadressen.nrw.de/de/justiz/suche https://www.justizadressen.nrw.de/de/justiz/suche</p>
Formulare	
Ursprungsportal	Requesting a record of the waiver of an inheritance, Niederschrift der Ausschlagung einer Erbschaft beantragen