

99046002086000, 99046002086000

# Exclude inheritance

Heruntergeladen am 17.06.2025

<https://fimportal.de/xzufi-services/214196993/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99046002086000, 99046002086000
Leistungsbezeichnung I	Exclude inheritance
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
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	Erbschaft, Nachlass und Testament (1190200), Urkunden und Bescheinigungen (1070200)
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	Nein
Fachlich freigegeben am	07.02.2023
Fachlich freigegeben durch	Thuringian Ministry for Migration, Justice and Consumer Protection (TMMJV)
Handlungsgrundlage	<a href="http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377">http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377</a> <a href="http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377">http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377</a>
Teaser	If you have become an heir, you must decide whether to accept or disclaim the inheritance. You can declare the disclaimer 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 what debts there are. If you do not wish to accept the inheritance, you must expressly declare the disclaimer to the probate court. To do this, you can visit the probate court and declare the disclaimer there in writing, or you can have a notary certify a disclaimer and submit it to the probate court. A simple letter to the probate court is not sufficient.</p> <p>If you disclaim the inheritance, you will be treated as if you had not been alive at the time of the inheritance, i.e. the inheritance will accrue to the person who would have been appointed in your place in this case. It then depends on whether the testator has designated substitute heirs or who succeeds you in the legal succession.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• Identity card or passport with certificate of registration.</li> <li>• It is not mandatory to submit the death certificate. If no death certificate is available, you must provide the full name (with maiden name), date of death and last habitual residence of the deceased person.</li> <li>• For minor children, the legal representative must disclaim the inheritance: if necessary, the approval of the family court is required (information on this can be obtained from the probate court). The application must</li> </ul>

Modul	Sachverhalt
	<p>be submitted to the family court responsible for the child's habitual residence. Proof of approval must be submitted to the probate court within the rendition period.</p> <ul style="list-style-type: none"> <li>• If a guardian declares the disclaimer, the approval of the guardianship court is required. The approval must be proven within the deadline for the disclaimer.</li> <li>• If known, you should indicate the persons to whom the inheritance will accrue in the event of your disclaimer</li> </ul>
Voraussetzungen	You are an heir and would like to disclaim an inheritance.
Kosten	<p>The fees for an inheritance assessment are based on the value of the inheritance .</p> <p>If the estate is overindebted, only costs in the amount of 30 euros are incurred for a probate.</p>
Verfahrensablauf	<ul style="list-style-type: none"> <li>• You go in person to the probate court and have your declaration recorded in writing.</li> <li>• Caution: A mere letter to the competent probate court is not sufficient.</li> </ul>
Bearbeitungsdauer	The disclaimer of an inheritance by personal declaration is accepted immediately.
Frist	<ul style="list-style-type: none"> <li>• Six weeks from the moment you learn of the inheritance,</li> <li>• If you are appointed as heir by a will or inheritance contract, the time limit does not begin until the probate court has announced the disposition of death.</li> <li>• Six months if the deceased had his/her last residence only abroad or</li> <li>• you, as heir or heiress, were residing abroad at the start of the period. Note: The disclaimer period cannot be extended.</li> </ul>
weiterführende Informationen	
Hinweise	<p>Minors</p> <p>For minor children, only the legal representative can disclaim the inheritance. The legal representative is the person who has custody of the child. If both parents have custody, they can only reject the inheritance for their child jointly.</p> <p>Rejection after acceptance of the inheritance</p>

**Modul**
**Sachverhalt**

inadmissible

In principle, you can no longer disclaim the inheritance once you have accepted it. In other words, you have shown by your conduct that you accept your position as heir of the deceased person. If you did not know that the estate was overindebted, you may be able to contest the acceptance of the inheritance. The contestation is subject to a time limit and form (6 weeks; declaration to the probate court or the notary public, who must forward the certified declaration to the court in due time). The effective contestation eliminates the legal consequences of the preceding disclaimer or acceptance. Due to the complicated legal issues involved, timely legal advice is often advisable.

**Rechtsbehelf**
**Kurztext**

- Decision to accept or reject inheritance
- Inheritance on the basis of legal succession, a will or inheritance contract
- Personal declaration to probate court

**Ansprechpunkt**
**Zuständige Stelle**

The locally competent probate court.  
 This is usually the district court in whose district the deceased person had his or her last habitual residence or the district court in whose district the renegade has his or her habitual residence.  
<https://www.justizadressen.nrw.de/de/justiz/suche>  
<https://www.justizadressen.nrw.de/de/justiz/suche>

**Formulare**

- Forms are not required.
- An online procedure is not possible, as the renegade must appear in person.
- The disclaimer is made by declaration to the probate court. The declaration must be made on the record of the probate court or publicly certified by a notary public and submitted in this form to the probate court.
- Personal appearance is required for this purpose.

**Ursprungsportal**

Erbschaft ausschlagen, Exclude inheritance