

99046002035000, 99046002035000

Notarize the waiver of inheritance

Heruntergeladen am 17.06.2025

<https://fimportal.de/xzufi-services/354656/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99046002035000, 99046002035000
Leistungsbezeichnung I	Notarize the waiver of inheritance
Leistungsbezeichnung II	Notarize the waiver of inheritance
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	Beglaubigung (035)
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	https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377 https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377
Teaser	If you do not wish to accept an inheritance, you must disclaim it. You can have the declaration of renunciation drawn up and notarized by a notary and submit it 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 there are.</p> <p>If you do not wish to accept the inheritance, you must expressly declare the waiver to the probate court. If you do not wish to visit the probate court in person to declare the waiver for the record, you can have a notarized declaration drawn up by a notary and submit it to the probate court. A written declaration without notarization of your signature is not sufficient.</p> <p>If you renounce the inheritance, you will be treated as if you had not been alive at the time of the inheritance, i.e. the inheritance will go to the person who would have been appointed in your place in this case. It then depends on whether the testator has appointed substitute heirs or who succeeds you in the legal succession.</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 provide the full name (with maiden name), the date of death and the last habitual residence of the deceased person. • In the case of minor children, the legal representative must waive the inheritance: the approval of the family court may be required (information on this can be obtained from the probate court). You must submit the

Modul	Sachverhalt
	<p>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.</p> <ul style="list-style-type: none"> • 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. • If known, you should specify the persons who will receive the inheritance in the event of your waiver.
Voraussetzungen	You are an heir and would like to waive an inheritance.
Kosten	<ul style="list-style-type: none"> • The fees for a probate are based on the value of the inheritance. • If the estate is over-indebted, the costs for the probate are only 30 euros • The notary will charge additional costs (VAT and expenses).
Verfahrensablauf	You go to a notary for a public notarization of your declaration.
Bearbeitungsdauer	The waiver of an inheritance is accepted immediately. It is advisable to make an appointment by telephone with the notary of your choice.
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 the heir were abroad at the beginning of the period. The deadline for waiver cannot be extended.
weiterführende Informationen	
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, you can no longer waive the inheritance</p>

Modul
Sachverhalt

once you have accepted it. In other words, you have shown through your actions that you accept your position as the deceased person's heir. If you did not know that the estate was over-indebted, you may be able to contest the acceptance of the inheritance. The contestation is subject to a time and form limit (6 weeks; declaration to the probate court or the notary, who must forward the notarized declaration to the court in due time). 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

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

Ansprechpunkt
Zuständige Stelle

The notary can be chosen freely.
 The notary forwards the notarized declaration of waiver to the competent probate court.
 The probate court locally responsible for accepting the waiver is generally the district court in whose district the deceased person had their last habitual residence or the district court in whose district the waiver applicant has their habitual residence.
 You can find the competent court on the federal and state justice portal.
<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 person making the waiver must appear in person.
- The waiver is made by declaration to the probate court. The declaration must be made for the record of the probate court or publicly notarized by a notary and submitted to the probate court in this form.
- Personal appearance is required for this.

Ursprungsportal

Notarize the waiver of inheritance, Ausschlagung der

Modul

Sachverhalt

Erbschaft notariell beglaubigen