

99046002035000, 99046002035000

Notarize the waiver of inheritance

Heruntergeladen am 17.06.2025

<https://fimportal.de/xzufi-services/403879877/L100040>

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	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
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	Urkunden und Bescheinigungen (1070200), Erbschaft, Nachlass und Testament (1190200)
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	Nein
Fachlich freigegeben am	14.08.2020
Fachlich freigegeben durch	Ministry of Justice of Lower Saxony
Handlungsgrundlage	https://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377
Teaser	If you do not wish to accept an inheritance, you must declare the renunciation of the inheritance to a notary, have it notarized 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 are available. If you do not wish to accept the inheritance, you must expressly declare the waiver. It is not sufficient to submit a written declaration.</p> <p>You can declare the waiver of the inheritance to a notary, have it notarized and submit it 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.
Voraussetzungen	You are an heir and would like to waive an inheritance.

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Kosten	<ul style="list-style-type: none"> • The fees for the 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 an 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 Inheriting and bequeathing</p> <p>https://www.bmjv.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33</p> <p>https://www.bmjv.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33</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 a notary
Ansprechpunkt	
Zuständige Stelle	<p>The local probate court responsible for accepting the waiver. This is either the local court in whose district the deceased had his or her last habitual residence or the local court in whose district the person making the waiver has his or her habitual residence.</p> <p>The notary shall send the notarized declaration of waiver there. The notary can be chosen freely. You can find the competent court on the federal and state justice portal.</p> <p>https://www.justizadressen.nrw.de/de/justiz/suche https://www.justizadressen.nrw.de/de/justiz/suche</p>
Formulare	<ul style="list-style-type: none"> • 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 submitted to the notary for recording by the probate court or in publicly notarized form. • Personal appearance is required for this.
Ursprungsportal	Notarize the waiver of inheritance, Ausschlagung der Erbschaft notariell beglaubigen