

99046002086000

Heruntergeladen am 20.05.2025

<https://fimportal.de/services/99046002086000>

Modul	Sachverhalt
Leistungsschlüssel	99046002086000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Waiving an inheritance
Typisierung	2/3

Modul	Sachverhalt
Handlungsgrundlage(n)	- 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>
Begriffe im Kontext	
Bearbeitungsdauer	The competent court immediately accepts the waiver of an inheritance by personal declaration.
Fristen	<p>6 Woche(n) This period generally applies from the moment you learn of the inheritance and the reason for your appeal.</p> <p>6 Monat(e) 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.</p> <p>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</p>

death.

Formulare + Objekt
Formular

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
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weiterführende Informationen

- https://www.bmj.de/SharedDocs/Publikationen/DE/Broschuren/Erben_Vererben.html
 - <https://www.justizadressen.nrw.de/de/justiz/suche>
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Hinweise (Besonderheiten)

In the event that the heir is a minor:

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.

Waiver after acceptance of the inheritance:

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 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

fachlich durch	freigegeben	Federal Ministry of Justice (BMJ)
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fachlich am	freigegeben	11.11.2024
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Lagen Portalverbund	Urkunden und Bescheinigungen (1070200), Erbschaft, Nachlass und Testament (1190200)
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