

99046002086000, 99046002086000

Exclude inheritance

Heruntergeladen am 20.05.2025

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

Modul	Sachverhalt
Leistungsschlüssel	99046002086000, 99046002086000
Leistungsbezeichnung I	Exclude inheritance
Leistungsbezeichnung II	
Typisierung	2/3

Modul	Sachverhalt
Handlungsgrundlage(n)	<p>- http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377</p> <p>- http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377</p>
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.</p> <p>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>
Begriffe im Kontext	
Bearbeitungsdauer	The disclaimer of an inheritance by personal declaration is accepted immediately.
Fristen	<p>* Six weeks from the moment you learn of the inheritance,</p> <p>* 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.</p> <p>* Six months if the deceased had his/her last residence only abroad</p>

or

* you, as heir or heiress, were residing abroad at the start of the period.

Note: The disclaimer period cannot be extended.

Formulare + Objekt Formular	<ul style="list-style-type: none"> * 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.
Kurztext	<ul style="list-style-type: none"> * Decision to accept or reject inheritance * Inheritance on the basis of legal succession, a will or inheritance contract * Personal declaration to probate court
weiterführende Informationen	<p>Hinweise (Besonderheiten)</p> <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 inadmissible</p> <p>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</p>

preceding disclaimer or acceptance. Due to the complicated legal issues involved, timely legal advice is often advisable.

Rechtsbehelf

fachlich durch	freigegeben	Thuringian Ministry for Migration, Justice and Consumer Protection (TMMJV)
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fachlich am	freigegeben	07.02.2023
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Lagen Portalverbund	Erbschaft, Nachlass und Testament (1190200), Urkunden und Bescheinigungen (1070200)
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zuständige Stelle	The locally competent probate court.
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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>
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Ansprechpunkt
