

99046002035000

Waiver of Inheritance Certification

Heruntergeladen am 20.05.2025

<https://fimportal.de/xzufi-services/S1000020010000012504/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046002035000
Leistungsbezeichnung I	Waiver of Inheritance Certification
Leistungsbezeichnung II	Waiver of inheritance at the notary
Typisierung	2/3

Modul	Sachverhalt
Handlungsgrundlage(n)	<p>* [§§ 1942 ff. German Civil Code (BGB)](http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017602377)</p> <p>* [Court and Notary Fees Act (GNotKG)](https://www.gesetze-im-internet.de/gnotkg/BJNR258610013.html)</p>
Teaser	<p>Anyone who has become an heir must decide whether to accept or reject the inheritance. If you do not want to accept an inheritance, you can declare your rejection of the inheritance to a notary, have it certified and submit it to the probate court.</p>
Volltext	<p>If you have become an heir, you must decide whether to accept or reject the inheritance. This applies regardless of whether you are inheriting by legal succession, a will or an inheritance contract. First, find out what assets and debts there are (debts are also inherited).</p> <p>If you do not wish to accept the inheritance, you must expressly declare that you are renouncing it. It is not enough to submit a written declaration. If you renouncing it, this applies to the entire estate. Partial renouncing (only the debts) is not possible. If you do not declare a renouncing it, this automatically counts as acceptance of the inheritance.</p> <p>You can declare your renunciation of the inheritance to a notary and have it certified.</p> <p>**The notary or you must submit the declaration to the responsible probate court within the six-week period.**</p> <p>The competent probate court is the court in whose district the testator had his habitual residence at the time of his death (the usual place of residence of the deceased person).</p> <p>If the inheritance has been effectively renounced, the person renouncing it will be treated as if the inheritance had never occurred.</p>
Begriffe im Kontext	<p><div lang="en-x-mtfrom-de">certification</div>, <div lang="en-x-mtfrom-de">disclaimer</div>, <div lang="en-x-mtfrom-de">waiver of inheritance</div>, <div lang="en-x-mtfrom-de">Explanation</div>, <div lang="en-x-mtfrom-de">rash</div>, <div lang="en-x-mtfrom-de">non-acceptance of inheritance</div>, <div lang="en-x-mtfrom-de">Refusal</p>

from the notary</div>, <div
 lang="en-x-mtfrom-de">Notarized renunciation</div>

Bearbeitungsdauer

An appointment with the notary is required. On the website Notar.de [](<https://www.notar.de/notarsuche/notarsuche>) you can find a notary in your area. You can declare your rejection directly at the appointment.

Fristen

- * The formal renunciation must be received by the responsible probate court within six weeks of the moment you learn of your status as heir.
- * Make an appointment with the notary so that there is enough time to submit the declaration of renunciation to the responsible probate court.
- * If you have been named as an heir through a will or inheritance contract, the period only begins when the probate court has announced the disposition of the estate.
- * The period is six months if the deceased's last place of residence was abroad or if you, as the heir, were abroad at the start of the period.

Formulare + Objekt Formular

Kurztext

- * Renunciation of the inheritance at the notary
- * Decision to accept or reject inheritance
- * Inheritance based on legal succession, a will or inheritance contract
- * Personal declaration to a notary

weiterführende Informationen

- <https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg>
- <https://justiz.hamburg.de/gerichte-segmente/>
- <https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/v-erfahrensarten-und-services/verfahrensarten/nachlassgericht-39942>
- <https://justiz.hamburg.de/amtsgerecht/1287500/nachlassgericht.html>
- https://www.bmj.de/SharedDocs/Publikationen/DE/Broschueren/Erben_Vererben.pdf?__blob=publicationFile&v=14
- https://www.bmj.de/SharedDocs/Publikationen/DE/Erben_Vererben.pdf?__blob=publicationFile&v=33
- <https://www.notar.de/notarsuche/notarsuche>
- <https://www.notar.de/notarsuche/notarsuche>

Hinweise

(Besonderheiten)

Minor children:

* For underage children, only the legal representative can renounce the inheritance. The legal representative is the person who has custody of the child. If both parents have custody, they can only renounce the inheritance for their child jointly.

* In certain situations, the approval of the family court is also required (information on this can be obtained from the probate court).

Abroad:

* If you are habitually resident abroad, you may be able to refuse your visa at a German consulate. If necessary, contact the local German diplomatic mission.

****Please note:****

****The probate court does not provide legal advice. Please contact the persons authorized to provide legal advice. These are lawyers or notaries.**

The [Public Legal Advice Service (ÖRA)](<https://www.hamburg.de/oera/>) offers low-cost legal advice for people with low incomes.**

Rechtsbehelf

Challenge:

* In principle, the inheritance can no longer be refused if the heir has accepted the inheritance, i.e. has shown through his or her behavior that he or she accepts the position as successor to the deceased.

* If the heir did not know that the estate was over-indebted, or if certain other errors exist, he or she can contest the acceptance of the inheritance.

* Contesting the acceptance of the inheritance has the same effect as a rejection.

* Due to complex circumstances, it is often advisable to seek legal advice from a lawyer in good time. The probate court is not permitted to provide advice.

fachlich
durch

freigegeben

fachlich
am

freigegeben

23.02.2024

Lagen Portalverbund

zuständige Stelle

Hamburg District Court

Ansprechpunkt

If you want to find out exactly who is responsible for your request, please follow the link to [Authority finder Hamburg](<https://www.hamburg.de/service/info/hasi/12504>)
