

99046002086000

Renunciation of the inheritance Minutes

Heruntergeladen am 20.05.2025

<https://fimportal.de/xzufi-services/S1000020010000012506/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99046002086000
Leistungsbezeichnung I	Renunciation of the inheritance Minutes
Leistungsbezeichnung II	Disclaimer of the inheritance at the probate court
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> <p>* [Fee table](https://www.gesetze-im-internet.de/gnotkg/anlage_2.html)</p>
Teaser	If you have decided not to accept an inheritance, you must expressly renounce the inheritance. The declaration of renunciation must be made either in person at an appointment before the probate court or before a notary.
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 due to legal succession, a will or an inheritance contract.</p> <p>First, find out what assets and debts there are (debts are also inherited). If you do not want to accept the inheritance, you must expressly declare that you do so. It is not enough to submit a written declaration. If you refuse, this applies to the entire estate. Partial renunciation (only of the debts) is not possible. If you do not declare a renunciation, this automatically counts as acceptance of the inheritance.</p> <p>You can declare your renunciation of the inheritance to the probate court. If the inheritance is 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">Disclaimer of inheritance, local courts</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">rash</div>, <div lang="en-x-mtfrom-de">non-acceptance of inheritance</div>, <div lang="en-x-mtfrom-de">Renunciation of inheritance transcript</div>, <div lang="en-x-mtfrom-de">Rejection at the district court</div></p>
Bearbeitungsdauer	An appointment at the probate court is required.
Fristen	* The formal renunciation must be received by the competent probate court within a period of six weeks.

- * The period begins on the day on which you become aware of your status as heir.
- * 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 in the probate court
- * Decision to accept or reject inheritance
- * Inheritance based on legal succession, a will or inheritance contract
- * Personal declaration to the probate court

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://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/v-erfahrensarten-und-services/services/nachlassstermine-573466>
- <https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/v-erfahrensarten-und-services/services/nachlassstermine-573466>
- <https://www.notar.de/notarsuche/notarsuche>
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Hinweise
(Besonderheiten)

- Where can you turn down?
- * The probate court at the testator's last usual place of residence is responsible for the renunciation. This is usually the probate court in the place or district where the

deceased person last lived. If this was a hospice or nursing home, special circumstances may arise. You can declare the renunciation at this probate court within the deadline.

* Alternatively, you can also renounce your inheritance at the court where you live. This means the probate court in your own place of residence or in the district where you are registered. This court is also responsible for renunciations and you can renounce your inheritance here within the deadline.

* If you are habitually resident abroad, you may be able to renounce your inheritance at a German consulate. If necessary, contact the local German diplomatic mission. The consulate will forward the declaration of renunciation to the responsible probate court.

* You can also have your declaration of renunciation recorded by any notary, who will then forward it to the relevant probate court. You can find a notary in your area at [Notar.de](https://www.notar.de).

Minor children as co-heirs:

* 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.

* If necessary, the approval of the family court may be required (information on this can be obtained from the probate court).

****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.

* 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.

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durch

freigegeben

fachlich
am

freigegeben

22.02.2024

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/12506>)