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# Nachlass - Ausschlagung einer Erbschaft

Heruntergeladen am 04.06.2025

<https://fimportal.de/xzufi-services/S1000030000321164/S100003>

Modul	Sachverhalt
Leistungsschlüssel	99046002000000
Leistungsbezeichnung I	Nachlass - Ausschlagung einer Erbschaft
Leistungsbezeichnung II	Probate - disclaimer of an inheritance
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bremen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	Erbschaft, Nachlass und Testament (1190200)
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	
Fachlich freigegeben am	29.02.2024
Fachlich freigegeben durch	
Handlungsgrundlage	<a href="http://www.gesetze-im-internet.de/bgb/_1944.html">http://www.gesetze-im-internet.de/bgb/_1944.html</a>
Teaser	Anyone who does not wish to be an heir must disclaim the inheritance in due time and form
Volltext	An heir may disclaim the inheritance if he has not yet accepted it and the disclaimer period has not yet expired. After expiry of the disclaimer period, the inheritance is deemed to have been accepted.
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• when disclaiming an inheritance</li> </ul> <p>At the time of notarisation of the rash declaration, it is mandatory to prove your identity by means of an official photo identification (valid identity card or passport). If available, the death certificate of the deceased must also be presented.</p>
Voraussetzungen	<p>Your waiver of inheritance is only effective if your signature has been notarized by a notary of your choice and the declaration is received by the probate court within the waiver period.</p> <p>The waiver can also be notarized at the court of your place of residence or the Bremen district court as the locally competent court within the waiver period.</p>
Kosten	<p>Gebühr: 30€</p> <p>The fee for notarisation of the rash declaration at the local court is usually 30 Euros. It is advisable to reject with several persons at the same time. The notary's fees are charged according to the same law. The notary also charges the value added tax and any expenses.</p>
Verfahrensablauf	<p>The disclaimer must be declared in publicly certified form or on the record of the probate court, i.e.</p> <p>a) the signature must either be certified by a notary public or</p>

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b) the declaration must be certified by the probate court.

c) the declaration must be certified by the court of residence of the disclaiming party, or

d) be certified by any other probate court.

As a result of a declaration of disclaimer, the inheritance falls to the children and also to the grandchildren or great-grandchildren, etc. of the disclaiming party, as well as, if applicable, to other relatives in the collateral line, in the probate proceedings that are governed by the legal succession.

For minor children, the legal representative decides whether the inheritance is to be disclaimed. As a rule, the legal representatives are the parents of the children jointly. The disclaimer of inheritance for the children is then only effective if it is made by both parents. Both parents can also declare the disclaimer separately. Anyone who has sole custody of minor children or no custody at all should mention this in the disclaimer.

Under certain circumstances, the approval of the family court is required. This must then be proven to the probate court within the disclaimer period.

A proxy can only submit the disclaimer if the power of attorney is publicly certified. This power of attorney must be enclosed with the declaration or brought forward within the disclaimer period (Section 1945 (3) of the German Civil Code).

## Bearbeitungsdauer

### Frist

The deadline for rejection is 6 weeks. However, it is 6 months if the testator's last habitual residence was abroad or if the person to whom the inheritance accrued was abroad when the period commenced. The period begins with the knowledge of the accrual of the inheritance and the reason for the appointment as heir (i.e. on the basis of the notification of the existence and contents of a will or on the basis of the notification that

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at least one heir who is ahead in the succession has rejected the inheritance) and can therefore also be well after the date of death of the testator. When notarising the rash declaration at the court of residence or at the competent probate court, the declaration is declared to be in compliance with the deadline with the signature provided. In the case of notarisation by a notary public or by a court other than those mentioned above, the declaration of rejection only becomes effective within the deadline if it is received by the competent probate court. The risk for this shall be borne by the person making the rash declaration. The person to whom the inheritance only accrues on the basis of a disclaimer by a previously appointed heir is notified by the probate court. If a will exists, the period does not begin before the testator makes the will and informs the heirs.

**weiterführende Informationen**
**Hinweise**

The probate court is the local court at the last habitual residence of the deceased. This is not necessarily the last residence under civil law, but the place where the deceased last had his or her center of life.

For the notarization of declarations of disgorgement at the Bremen and Bremen-Blumenthal Local Courts, it is mandatory to make an appointment via the responsible office. At Bremerhaven Local Court, the declaration of disclaimer can be notarized during office hours from Monday to Thursday.

**Rechtsbehelf**
**Kurztext**
**Ansprechpunkt**
**Zuständige Stelle**
**Formulare**
**Ursprungsportal**

Serviceportal der Freien Hansestadt Bremen, Service portal of the Free Hanseatic City of Bremen