



Refusal to accept an inheritance

Please note that all information given in this leaflet is based on the knowledge the embassy had at the time of issue of this leaflet. The embassy does not take any responsibility for changes that may have taken place since this publication.

Under German law of succession the heir inherits the whole property of the deceased regardless whether this is positive or negative. In order to avoid inheriting debts the heir has the right to refuse an inheritance. As a consequence the next person in order of succession will be the heir. These new heirs have the right of refusal as well.

Probate Court:

The competent German probate court is the county's court, in which the **German** deceased lived at the time of his death. This court is competent to receive the oral or written declaration of renunciation of succession.

If the **German** deceased had no habitual residence or stay in Germany at the time of his/her death, the local court of Berlin-Schöneberg would be competent, the address is:

Amtsgericht Schöneberg
Grunewaldstraße 66-67
10823 Berlin
Germany

If the deceased did **not** hold the **German** citizenship, each local court in Germany in which at least one item of the belongings is located would be competent regarding the whole inheritance.

Deadline for the renouncement of inheritance

According to German law the heir can declare the renouncement of inheritance to the German probate court. In order to declare a valid renouncement, it is required that this declaration has to be delivered to the competent probate court within six weeks. If the deceased had his/her residence or stay outside Germany at the time of his/her death the renouncement must be declared within six months.

The deadline of six months also applies if the heir has had his/her habitual or temporary residence outside of Germany by the time the deceased died.

The deadline commences at the time of notice about the case of succession. In case of testamentary succession the deadline will not start before the official opening of the will by the probate court. An heir who only became one after another heir had renounced the inheritance, has yet another 6 weeks or months for renouncement.



Form of the renouncement of inheritance

The renouncement can either be declared verbally for the record in front of the court or in writing. If you want to submit your declaration in writing your signature has to be certified by a notary in Germany or by the German Embassy. Fees for this service at the Embassy are 20,- Euro. Please note that there is no other way to get a valid authentication.

Furthermore, the renouncement must not be declared under a condition for instance in order to pass the inheritance to a certain person.

Renouncement by the legal representative:

If the inheritance shall be renounced by a minor, the legal representative (usually the parents) can do that on behalf of the minor. If both parents have custody of the child, they both have to renounce the inheritance for their child. The above mentioned formal requirements and deadlines apply for this case as well. Normally, the approval by the guardianship court is necessary. The approval has to be submitted to the competent court of probate within the above mentioned deadline. The approval is NOT necessary, if the minor becomes a heir because the parent which legally represents the minor has renounced the inheritance. The same applies if there has been appointed a legal guardian to the heir.

The declaration of renouncement (including minors) can be found on the website of the German Embassy in Dublin.

Please fill it in and bring it along with your passport and a proof of residence during regular opening hours which can be found at the bottom of that leaflet or on the website itself. A special appointment is NOT necessary.

Searching for heirs:

The German Embassy is not in charge of finding heirs. You can however find the heirs with the help of an authorised Irish solicitor. A list of solicitors in Ireland can be found on the website of the German Embassy.

Embassy of the Republic of Ireland in Berlin:

address:

Friedrichstr. 200

10117 Berlin

Tel: +49 (0)30 220720

Fax: +49 (0)30 22072299

Opening Hours: 09:30-12:30 & 14:30 -16:45 Mon-Fri

<http://www.embassyofireland.de/home/index.aspx?id=29424>