

Renouncement of an inheritance

Purpose and effects of a renouncement

In case the line of succession after a deceased person is governed by German law, the estate immediately passes on to the heirs (“Erben”). German law is for instance applicable if the deceased held German nationality at the time of death or if the estate in Germany comprises land or other immovable assets.

Under German law, an estate in debt can pass on to the heirs who then become liable for it. For this and other reasons, a person appointed heir under testate or intestate succession can make a declaration of renouncement. After a valid renouncement that person is not considered an “heir” anymore.

Competent court for the acceptance of the renouncement

According to German court regulations (Sec. 343 FamFG) the probate court (“Nachlassgericht”) competent for the proceeding is the court in whose administrative district the deceased had his last residence or stay. In case a German citizen passes away without residence in Germany, the following court is competent for the proceedings:

Amtsgericht Schöneberg
- Nachlassgericht-
Ringstraße 9
12203 Berlin
Germany

If a person without German nationality passed away without residence in Germany, the court in whose administrative district the assets are located is competent. In case there are assets in multiple administrative districts, the court initially approached becomes competent for all assets in Germany.

Form and deadline

The acceptance and renouncement is governed by Sec. 1942 to 1966 BGB (German Civil Code). The heirs can declare their renouncement to the competent German probate court within six weeks after being informed about the death and their entitlement as heirs.

The deadline is six months in case either the heir stayed outside of Germany (irrespective of his/her actual residence) at the time of death or if the deceased had his sole residence outside of Germany. If an heir does not validly renounce within the legal deadline it is assumed that he/she has accepted the inheritance.

The renouncement has to be recorded at the competent German probate court or can be given in writing as long as the signature is certified by a public servant (“öffentlich beglaubigt”). The certification can be carried out by a German notary public (“Notar”) or at your competent German Mission abroad. A declaration of renouncement in the prescribed form only becomes valid once it is received by the competent German probate court and not solely through certification of your signature at a German Mission abroad.

It is not possible to renounce under any conditions or to renounce only for parts of the estate.

Renouncement for minors

In case a parent renounces, usually the right of inheritance would pass on to his/her children. In these cases, the right of inheritance has to be renounced for the children as well. The renouncement can be declared by a minor’s legal representative only. In case both parents hold parental responsibility, both will also have to sign the renouncement form.

In some cases, a renouncement for minors has to be confirmed by the competent German family court before it can become valid. The family court’s approval has to be submitted to the competent probate court within the above mentioned deadline. The family court’s approval is not necessary, if the minor becomes an heir because the parent who legally represents the minor has renounced the inheritance.

Certification procedure at a German Mission abroad

For a certification your identity has to be established by presenting your valid passport. Please also provide a current proof of address in Rwanda (e.g. utility bill or bank statement).

After certification of your signatures you will need to send the form to the competent German probate court (see above section “competent court”). Further correspondence regarding receipt and validity of the renouncement has to be carried out directly between yourself and the German probate court. Please keep in mind that the court language will be German only.

Please note that the German Missions abroad cannot offer individual legal advice for instance with regard to the receipt, validity or contestation of a renouncement declaration. You would need to refer to the competent probate court in case of legal questions and you may wish to avail yourself of a lawyer if necessary.

Fees

A renouncement usually involves two separate fees, one charged by the German Mission for certification, another for the probate court proceedings. The fee payable cash at the German Foreign Mission is the equivalent of 20 Euros in Rwandan Francs according to the day’s exchange rate. The probate court’s fee will depend on the value of the estate.

***Please Note:** Although the information on this leaflet has been prepared with utmost care, we cannot accept any responsibility for inaccuracies contained herein.*