



Declaration of Renunciation

Useful information

This leaflet explains the conditions to be met and the information to be provided in order to register a declaration of renunciation, which allows you, as an heir, to waive your status as heir definitively. You will no longer be entitled to the assets of the estate and will not be liable for any debts.

1. Conditions to renounce an estate

- Be the heir of a deceased person (art. 457 and seq. of the Swiss Civil Code):

Legal heir: the legal heirs are the children of the deceased and their descendants, in the absence of such children, the mother and father of the deceased and their descendants, in the absence of such parents, the grandparents of the deceased and their descendants. The surviving spouse or registered partner is entitled, together with the descendants, to half of the estate, together with the mother, father or their heirs to three quarters of the estate, and in the absence of such, to the entire estate. If there are no heirs, the estate devolves to the canton of the last domicile.

Named heirs: The persons to whom a share of the estate or the entire estate will devolve under a will or a contract of inheritance are the named heirs.

- Act within 3 months of the death or knowledge of the status of heir OR within the period extended by the court
- Not having managed the deceased's property after his or her death (payment of bills, appropriation of property, movements on a bank account, etc.)
- If you are signing on behalf of the heir: have written power of attorney from the heir
- If the heir is subject to deputyship: the agreement of the adult protection authority OR the written agreement of the heir if he or she is capable of discernment and the deputyship does not restrict his or her civil rights
- If the heir is a legal entity (association, foundation, etc.): the renunciation must be signed by the persons authorized to represent it according to the articles of association or the entry in the commercial register

2. Documents to submit

- **Original** declaration of renunciation (page 3) completed, dated and signed
- **Copy** of the information form on the list of heirs, indicating all heirs, including renouncers
- If the person died outside the canton of Geneva: **copy of the death certificate**
- If the heir is subject to deputyship:
- **Copy** of the written agreement signed by the heir if he or she is capable of discernment and the guardianship does not restrict his or her civil rights.
- Or **Copy of the authorization** issued by the protection authority
- If the heir is a legal entity (association, foundation, etc.): **copy** of the articles of association and of the minutes appointing the management body or copy of a current extract from the commercial register showing the persons with signing rights
- **Copy of the power of attorney** to act on behalf of another adult person

If the situation so requires, the court may ask for any additional supporting documents.



3. Submitting the application

- The form and the other documents to be supplied may be sent to the court in 1 copy:
 - **By post**, by ordinary or registered post
Tribunal de protection de l'adulte et de l'enfant, Justice de paix Division
Rue des Glacis-de-Rive 6, Case postale 3950
1211 Geneva 3
 - Or **at the desk**: Rue des Glacis-de-Rive 6, 1207 Geneva between 10 a.m. and 1 p.m.
 - Requests sent by e-mail will not be considered (except in the case of authenticated electronic signatures).

4. Information

- The estimated time taken by the court to process the form is approximately 5 working days: an acknowledgement of receipt will be sent to you if you have requested it on the form, by post (B envelope) or by e-mail.
- This procedure is free of charge.
- **An heir who does not renounce within 3 months** of the death or knowledge of his or her status as heir accepts the succession outright (art. 566 and seq. of the Swiss Civil Code).
- The estate renounced by all the heirs of the closest rank is liquidated by the Office cantonal des faillites¹. In this case, no personal effects of the deceased may be recovered by the heirs, with the exception of family mementos (photos, letters, gifts, etc.) and provided that the Office has given its consent. Any positive balance remaining after the assets have been realized and the debts paid will be shared between the heirs, who are automatically called upon by the court to rule on the matter.
- **In the event of bankruptcy liquidation**: the funeral expenses may be taken into account by the Office cantonal des faillites at the time of the statement of schedule of accepted claims (list of debts) up to an amount of CHF 8,000.- on presentation of the invoices.
- You can renounce on the same form for minor children for whom you have parental authority, if they are also heirs to the estate.

5. If you have a question

- If you have any questions about this form, you can contact the Tribunal de protection de l'adulte et de l'enfant (Adult and Child Protection Tribunal) at the desk, by telephone or by e-mail.
- The court is not entitled to give legal advice. If you have any legal questions, please contact a notary, a lawyer or a legal advice service.

¹ Office cantonal des faillites: route de Chêne 54, case postale, 1211 Genève 6



Declaration of Renunciation Form

The renunciation of an estate is a definitive act that removes the status of heir. The person who renounces loses his or her right to the assets and is not liable for the inheritance debts (articles 566 and seq. of the Civil Code (CC)).

Personal details of the renouncing party:

Family name(s)

Forename(s)

Date of birth

Address

Telephone N° E-mail

Family relationship with the deceased:

If you also wish to renounce in the name of your minor child (ren), please specify the family name (s), forename(s) and date of birth below:

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.....

declares that he/she renounces, without reserve or condition, the estate of:

Family name(s) and forename (s) of the deceased:

Date of his/her death:

Place and date: Signature:

For court use only (seal and signature)