

8 Inheritance

8.1 Legal succession

A partner, whether in a cohabitation or not, has no legal right of inheritance toward the other partner (in contrast to Austria, where certain inheritance rights have existed since 01.01.2017).

If there it is not stated in the will, the cohabiting partner is left empty-handed, because legal succession applies. This is based on the degree of relationship:

- Primarily the children and their descendants inherit;
- Secondly the parents and their descendants (i.e. siblings) inherit;
- Thirdly and fourthly, the Grandparents (and descendants) or great-grandparents inherit;
- If no living relatives are eligible as heirs, the state inherits (so-called reversion).

In addition to children, a spouse (or registered partner) inherits half of the estate; in addition to parents or siblings, two-thirds.

8.2 Will

An unmarried partner can be left an inheritance by the deceased partner. This makes sense if the legal succession does not correspond to the descendant's wishes.

However, even if a will has been made, the children, the spouse or the parents of the deceased are entitled to a compulsory share. If the relationship has been dissolved, the will can be revoked once it has been made; otherwise, the ex-partner's right to inherit continues.

If there are no legal heirs, the appointment of a life partner as heir is unobjectionable. If only very specific assets (money, savings books, land, claims from a life insurance policy, etc.) are to go to a person from the estate, this is referred to as a legacy. A legacy can be made both in the form of a will (which always contains an inheritance provision) and in the form of a testament, that does not contain an inheritance provision (so-called codicil). If a partner is appointed as creditor by the deceased, he is not an heir, he is only a creditor of the estate. As such, he has a claim against the estate; but only receives the things left to him.

8.3 Right of residence

If both parties wish the surviving partner to continue living in the house or apartment in the event of death, a life-long right to live there free of charge should be stipulated in a will. If the partner is also to receive the income from a property (rental income, etc.), a beneficiary right can be stipulated.

In both cases, the partner is only protected against a possible sale of the property if the right of residence or beneficiary right is registered in the land register.