



Understanding Turkish Inheritance Law: The Complete Guide to Protecting Your Estate

Demystifying Turkish Inheritance Law: Your Ultimate Guide to Securing Your Legacy

Bayraktar Attorneys are a worldwide renowned Turkish but international law firm with a professional leadership.

Our attorneys provide advocacy, mediation, and consulting services pertaining to the drafting of wills and inheritance contracts, the execution of inheritance and succession transactions, the rejection of inheritance, the cancellation of wills, the determination of estate, real estate and the removal of heirs, as well as other inheritance disputes and cases.

Within the scope of their expertise and understanding of inheritance law, our lawyers provide services such as obtaining a certificate of inheritance, drafting a will, annulling a will, filing a case for annulment, and drafting an inheritance waiver agreement.

Our attorneys also represent clients in cases involving the annulment of the certificate of inheritance, the refusal of inheritance, the filing of cases of cancellation, the contract of custody until death, inheritance and succession transactions, inheritance tax, litigation, and dissolution of partnership cases.

The Turkish inheritance law (Miras) is controlled by the Turkish Civil Code and imposes a reserved part or statutory share for the benefit of the extended family to safeguard the extended family.



Law of Succession in Turkey

In Turkish law, there are two types of heirs: legal heirs and appointed heirs.

Legal Heirs: The movable and immovable property and other rights of a deceased person are given to their legal heirs, unless alternative arrangements have been made. The inheritor's blood relations, adoptive children, and descendants. Hence, the legatee, his children, grandkids, parents, grandparents, extra-marital relatives, surviving spouse, adopted son, and, in the event of a death without heirs, the state are all considered legitimate heirs.

If the inheritor leaves all or a portion of his inheritance to a specific individual of his own free choosing, such person is referred to as the assigned heir. In other words, the selected heir is the one to whom the inheritor leaves his or her inheritance according to the inheritor's wishes.

Via the execution of a will in favor of the assigned heir, appointed heirship becomes conceivable.

In case of a disagreement between the parties, this statute and the case law of the Supreme Court shall be considered.

Our legal team assists our clients in acquiring an inheritance certificate and in following transfer actions. A certificate of succession is the document acquired by the heirs upon the demise of the inheritor that lists the heirs and inheritance portions.

You may receive a certificate of inheritance or inheritance certificate from a notary public or the Court of Peace. Nevertheless, a certificate of succession may only be issued from the Peace of Court if there are foreign familial relations. This document cannot be obtained via a notary public.

As the inheritance shares of the heirs and heirs are listed on the inheritance certificate, this document will be necessary for the distribution of the inheritor's fortune.

If no other arrangement or circumstance exists, transfers will be done at this pace. The succession certificate is valid until proved differently and may be obtained at any time. For example, if one of the heirs rejects the inheritance, the certificate of inheritance issued at the time of death might be reissued in the future.

With the issuing of the inheritance certificate, the heirs may inherit the decedent's wealth. To do this, the link between the legator and the wealth must first be severed. When the inheritance and gift tax has been paid at the tax office, title deed transfers will occur.

Taxation on Inheritance in Turkey

Inheritors are required to pay an inheritance tax (Veraset Vergisi) in Turkey; the inheritance tax threshold is changed yearly.



The Turkish Inheritance and Property Transfer Tax legislation applies to the transfer of valuables to Turkish nationals as gifts, bequests, or inheritances, whether the transfer occurs in Turkey or overseas. This rule does not apply to a non-resident who inherits foreign property as an inheritance or gift from a Turkish citizen. Yet, a foreigner who resides in Turkey and inherits property in Turkey is subject to the law.

Turkey's Inheritance Tax as it Applies to Foreigners

There are two distinct circumstances to consider:

- A foreigner who is married to a Turkish national: Foreigners who are married to Turkish nationals are subject to Turkish law. A foreigner may dispose of a certain proportion of assets without restriction.
- A foreigner who is not married to a Turkish citizen: Outsiders are not subject to Turkish law, but rather the law of their home country.

Will Preparation in Turkey

Our legal team assists clients with the drafting of a will as well as any subsequent proceedings of will revocation. A person may choose to manage the disposition of their movable and immovable property, as well as their rights and receivables, after their death.

Because the deceased person's property will be distributed to the heirs according to the rates outlined in the Turkish Civil Code unless it is otherwise disposed of.

In some instances, however, a deceased individual may request that their property be passed to heirs or other individuals not in accordance with established rates.

There are two options available in this circumstance. This will be accomplished by issuing a will to formalize inheritance contracts. A will is a name given to the document that has been written with a unilateral declaration of will to take effect after the death of the inheritor and that specifies which property will be bequeathed to whom and in what proportion.

Turkish legislation stipulates that a person must be of sound mind and at least 15 years old in order to create a will. In addition, Article 531 of the Turkish Civil Code specifies that wills may be drafted in one of three ways: The will may be drafted *formally, in the testator's handwriting, or orally*.

Probate Legal Services in Turkey

- Getting a certificate of inheritance;
- Drafting a will;
- Cancellation of will;
- Filing a reduction lawsuit;
- Acquiring a certificate of inheritance;
- Drafting of an inheritance waiver agreement;



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- Cancellation of an inheritance certificate;
- Filing a lawsuit for inheritance denial;
- Filing a lawsuit for bad faith transfer
- Creating contracts for care till death
- The drafting of bequest contracts

[Contact us](#) regarding **Turkey's Inheritance Law**

Bayraktar Attorneys are solution-oriented legal associates that enable clients to satisfy the complex and ever-changing needs of inheritance law in the present day. Our attorneys have been assisting clients with difficult legal issues and increasing their chances of victory.



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