

„Svěřenský fond” – institute of intergenerational wealth preservation and succession

Abstract

This thesis named „Svěřenský fond – institute of intergenerational wealth preservation and succession” is dedicated to describe institution of „svěřenský fond” from the perspective of a potential alternative or addition to more traditional institutions of inheritance law.

The aim of the thesis is to describe primarily its use to a purpose of family wealth preservation and succession.

In order to fulfill this goal, the first part of the thesis analyses how *fiducie/trust* of Quebec made its way into Czech legislation. Main matter being the consequences adoption of a patrimony by appropriation caused.

Second part follows historical roots of fiduciary institutes. It finds a persistent need for very similar fiduciary, trust-like institutes throughout history. The goal stays the same, a desire of families to preserve their wealth. Historical analysis, using an evolutionist paradigm, finds similarities between trust, modern fiduciary institutes and „svěřenský fond” which simply cannot be unseen. Based on this findings a hypothesis of a common ancestor is construed.

Third part describes a newly acquired construction of trust-like institute, which was unseen in Czech law until 2014. It focuses on a result of transplantation of originally Quebec law provisions and following practice. The result is then compared with another fiduciary institutes across Europe, which share the same goal or legal elements.

The fourth part highlights specific provisions concerning a testamentary Czech variant of trust.

There are many ways how to secure wealth succession on a next generation, main leading through inheritance law or legal persons as a special purpose vehicles. „Svěřenský fond” is a new institution with an inertia to disrupt these traditional ways. Fifth part gives special emphasis on questions which arose from coexistence and clashes of these character-different, but teleologically very similarly aimed institutions.

Keywords: trust fund, trust, wealth succession