

## **Testament in Czech, Austrian, German and Swiss law, abstract in Czech language.**

In this thesis with the title Testament in Czech, Austrian, German and Swiss law I aim to acquaint myself in detail with the problems of testamentary heir order in individual legal orders and to identify differences that can be observed in comparative legal regulations. Thesis is sorted to chapters. In each chapter I will discuss topic analysed in order OZ, AGBG, BGB, ZGB, including appropriate case law. Further I will refer differences or matching between single legal orders. Of the above we must say, that in the application of the aforementioned systematic, there were inevitably occasional duplication of expressions and phrases, which may evoke impression of it being frequently repeated but in spite of the above-mentioned problems I considered it to be necessary to mention these textual parts in order due to make it easier to compare individual legal regulations.

In the introduction of thesis I will focus on the basic concepts of inheritance law such as the death of the testator (Erbfall), inheritance (Verlassenschaft), creation of inheritance law (der Entstehung des Erbrechts), further I will explain concept of hereditas iacens (ruhender Nachlass) and shortly I will describe eligible heir (erbfähiger Erbe).

In the second chapter I will be concerned with legal capacity to test and eligibility to be a witness, hereinafter I will discuss testament issues of itself in more detail (Testament, letzter Wille), or I will more precisely specify its content, characteristics, type, forms, including conditions under which it can be conceived. I will subsequently continue with the legacy (Vermächtnis), collateral annexes in testament (Nebenbestimmungen), general and trust substitution (Substitution), and revocation, amendment, withdrawal and interpretation of testament.

In following chapters, more specifically in chapter three to five, I will describe other institutes, important for understanding context associated with last will, or I will more precisely raise relevance and authority of executor of the last will and estate manager (Testamentvollstrecker, Verlassenschaftsverwalter), hereinafter I will clarify function of Register of Testamentary Dispositions (Testamentregister), and I will specify conditions under which is possible to refuse inheritance. In the chapter six I will be concerned with the issue of an indispensable heir (Pflichtteilsberechtigter) and its exclusion from entitlement to inheritance. Final, the seventh chapter belongs to the overall summary and presentation of comparison results of individual legal orders. I will try to point out provisions, which are missing in Czech legal code, or in my opinion are extra. I strongly hope, that I will achieve these mentioned goals.

**Keywords:**

Death of the testator, inheritance, testament, eligible heir.