

Notary's activity in inheritance procedure

Abstract

Intention of this rigorous work is to provide a practical overview of the various tools used by the Judicial Commissioner in the preliminary inquiry into inheritance proceedings and to point out their advantages or disadvantages. This is not a comprehensive overview, as the main focus is on individual records, information systems and lists, with the help of which the Judicial Commissioner finds out the data necessary for the procedure in the proceedings and the issuance of a decision on the merits. The topic of the thesis "Notary's activity in inheritance procedure" with a focus on investigations in individual records available to the court commissioner thus reflects the fast increase of number of records used by the court commissioner, which has occurred over the last ten years.

The introduction defines the individual chapters of the rigorous thesis. Therefore, in order to proceed to the very definition of records, their analysis and evaluation, it was considered necessary to first define the term notary, notary office, deputy notary, deputy notary and then the term notary office and notary staff. In order to define the activities of a notary as a court commissioner in relation to other notarial activities, the types of notarial activities were described, divided into public and private notarial activities. Emphasis was placed on the actions of notaries in public notarial activities, so the work further deals with public documents in general and then notarial records of legal proceedings, special cases of notarial records of legal proceedings, notarial records of legally significant facts and declarations and verification clauses. Entire chapter is then devoted to the Judicial Commissariat, where, in addition to the historical development of the Judicial Commissariat and inheritance law in our territory, the entire procedural operations in inheritance proceedings are also described. The main part of the work is the last three chapters containing specific tools used in the investigation of the judicial commissioner. Here are listed individual records, information systems and lists divided according to their use in obtaining data on the testator and persons of heirs, the title of inheritance and the estate. These are mainly the Information system of population registration, Commercial Register, Trade Register, Insolvency Register, Central Register of Executions, information system of data boxes, Records of legal proceedings in case of

death, Records of documents on marital property regime, information system of real estate register, records of Central Depository of Securities papers, etc. These tools are defined in terms of content and function, with an indication of their advantages and possible shortcomings. At the end of the thesis, the results of the elaboration of the topic are evaluated and the views and opinions of the author are summarized with the *de lege ferenda* proposals, which are contained in individual parts of the thesis.

Keywords: notary, notary activity, judicial commissioner, inheritance, records