

Abstract

Multiple transfer of ownership rights to the same property

The content of this diploma thesis is an evaluation of the quality of the legal regulation of multiple transfers of ownership rights to the same property contained in § 1100 of Act No. 89/2012 Coll., Civil Code.

A multiple transfer of ownership rights represents a specific situation where the transferor enters into two transfer agreements with two potential transferees, with the subject of these agreements being the transfer of one and the same property.

Attention is given separately to multiple transfers of properties not recorded in a public register and those recorded in a public register. The cited provision is analysed with a focus on the process of transferring property rights among the three involved parties – the transferor, the first transferee, and the second transferee. The analysis is then focused on selected movable and immovable properties, where the impact of the imperfect legal regulation of multiple transfers is evident even at the level of other legal regulations beyond the Civil Code. Despite the fact that the majority of this diploma thesis is focused on the property law issues of multiple transfers of the same property, it also includes an evaluation of the impact of multiple transfers on the nature of obligations arising from concluded transfer agreements.

The thesis consists of an introduction, five main chapters, and a conclusion. The first and second chapters are devoted to general interpretations of ownership rights and their transfer, including the acquisition of ownership rights from a non-entitled person.

The core of this thesis consists of chapters three, four, and five. Chapter three is designed as an introductory chapter to chapter four. It focuses primarily on the development of legal regulations regarding multiple transfers in the Czech legal system and on the relationship between the cited provision and related provisions of the Civil Code governing the transfer of ownership rights. In the subsequent chapter four, the cited provision is then analysed in detail, with this chapter being divided into several subchapters. Finally, chapter five addresses issues related to the impact of multiple transfers on the validity and duration of obligations arising from transfer agreements. This chapter also includes an analysis of the effects of multiple transfers on the legal status of the unsuccessful transferee, particularly in relation to their right to compensation for damages or the return of unjust enrichment. Chapter five also includes an analysis of the nature of the transferred property as a potential subject of execution or insolvency proceedings.

Key words: multiple transfer, property right, transfer of property right, movable property, immovable property