

## **6. Resume :**

### **Contractual modifications of the joint property**

The purpose of this work is to describe the history and the recent state of a legal regulation of a property in a marriage, mainly, the possible contractual modifications of a legal mode of the joint property.

The historical part is retracing the development of this institute from the year 1811. It's describing different legal attitudes to the property of a husband and a wife in the history, until nowadays, from the separate property mode, to the „co-ownership of shared property“, and also different possibilities to change this legal mode.

The possibility of contractual modifications has been implemented into the recent czech law by the act no. 509/1991. The important changes in this area has been made in 1998, by the act no. 91/1998 which has put into practice a new term for co-ownership in marriage, „the joint property“ and extended the possibility to change it by a contract to the current state.

This work gives the summary of the current regulation of this contractual modifications. Czech civil law provides wide range of these possibilities for a husband and a wife, as well as for a man and a woman who are going to get married. There is possibility to narrow it down by a court, and extend, narrow down, and postpone the creation of the joint property in a marriage by a contract. Main part of this work is concentrated to a questions of terms, form, validity and efficacy of this modifying contracts.

I'm emphasizing also the problems connected to the other legal regulations, as a civil procedure, mainly an execution, insolvency act, criminal act, as well as the

relation to the real estate register, and it's influence to a validity of these contracts in case, that the real property is an object of a contract.

Also some coherent interpretation problems are mentioned, with the different opinions of expert authors, also often followed by my own conclusion.

And finally, at the last part, I'm closely focused on each type of these contracts with it's special conditions and details.

**Klíčová slova:**

Společné jmění manželů

The joint property of married couple

Smluvní modifikace společného jmění manželů

The contractual modifications of joint property of married couple