

## **Selected issues of succession procedure**

### **Abstract**

This diploma thesis addresses a number of issues which the author identified in relation to the succession procedure, i.e., a form of procedure designed to settle the property relations of the testator after their death, culminating in the issuance of an authoritative decision whereby the acquisition of the inheritance by one (or several) person(s) entitled to inherit the estate based on an inheritance title is being confirmed. The goal of this work is to discuss selected aspects of the succession procedure from the point of view of current law and to characterize its intent and purpose.

This diploma thesis is divided into six parts, each of which acquaints the reader with a specific stage, key stakeholder, or legal concept of the succession procedure. The first part is devoted to the nature of the succession procedure itself, its fundamental principles, and the current legal framework of succession.

The next part discusses in detail the role of the notary who, in the capacity of appointed court commissioner, carries out actions (with certain exceptions) on behalf of the first-instance court, which also extends to issuing a decision on the merits. However, the individual subsections of this particular part not only address the notary's role within the succession procedure and related questions, but also trace in broad strokes the gradual evolution of the notarial profession in its historical context and provide a commentary on certain records of legal transactions which are of relevance for the succession procedure.

The thesis proceeds by giving an overview of the characteristics of one obligatory stage of the succession procedure – that of the so-called preliminary investigations. The fourth part of the diploma thesis offers a self-contained overview of further pathways through the succession procedure. Here, the author focuses on the conditions under which the procedure may be set aside and the hearing on the inheritance as such, analyzes in detail the possible types of decision rendered within succession procedures, discusses the available ordinary and extraordinary legal remedies, and looks into the issue of the costs of succession proceedings.

The penultimate part of the thesis focuses on the particular procedural steps to be taken if the circle of heirs is found to have been determined wrongfully or the list of testator's assets and liabilities forming the estate is found to be insufficient in an already closed succession procedure; it also deals with the obligatory actions to be taken by the court commissioner or by the person who manages the estate in trust after the succession procedure has come to a close. The final part of the work is devoted to the European certificate of succession from the vantage point of current law, and the justification for this institution of the European certificate of succession in cross-border succession procedures which have impact in other Member States.

**Keywords:** succession procedure, inheritance estate, heir, court commissioner, notary