

A Summary

The institution of inheritance is an indispensable part of the system of law. The inheritance contributes to keeping property values of a deceased person for his successors, usually for further generations. The inheritance law contributes also to the certainty and continuity in legal relations between entities of civil law relations.

The Bill of Rights guarantees the inheritance. The owner is entitled to handle with his property subject within the law limits, and, therefore, he can also handle it for case of death by making a testament will. The inheritance from a last will is based on the expression of will of the testator who determines who is to be his successor and in what extent. A purpose of the inheritance from a last will is to establish an inheritance succession other than according to the abstract model stated in the law.

The legal inheritance succession applies a principle of familiarization when the natural law for inheritance is admitted to family relatives of the testator, either the relationship based on a marriage or birth in a direct or branch lines. It is not possible to deny the testator to pursue his last will either that he appoints somebody else as a heir or the same persons, who are entitled to the inheritance if the legal succession is applied, however, in different portions or different values from the inherited property.

A last will is a formal, unilateral will which appoints persons to whom the testator's property is to be allocated after his death, personally made by the testator, which is revocable anytime. There are several forms of a last will: personally signed last will (allograph), common allograph last will, special allograph last will and public last will - notarial record. It is common for all these forms of la last will they the only substantial content matter is appointment of a heir or heirs. A heir can be either a physical person or legal person provided such person has a legal personality to the day of death of the testator.

The last will should meet any and all particulars of a valid legal act, i.e. it should be made freely and fairly, certainly, and understandably. The testator should be competent to this legal act and should not make it in any mental disorder. The content or purpose of the last will should not contravene a law, circumvent it, or be against good manners. It is a legal act expressed by words. Any preconditions attached to the last will have no legal consequences.

The last will should not reduce inheritance portions pursuant to the inheritance law, i.e. so-called forced heirs being testator's descendants.

The Civil Code provides a right to the testator to abdicate his descendants. He can do it from taxation stated reasons, which are: not providing a necessary assistance, permanent absence of any interest expression, conviction due to an intentional criminal act, and permanently wild life leading of a descendant.

I deal with the mentioned institutions of the inheritance law, particularly last will inheritance institutions, in the diploma paper in relation to my notary practice.