

Resumé

Death is an essential part of our lives. It is an important event that influences the formation, the change and the end of legal relationships. Some discretions and duties of the dead person are so closely connected with him/her that they expire after the person's death. On the contrary, discretions and duties of property character do not expire with the death of people, however, they descend on the heritor or on other subjects on the basis of a special legal regulation.

There is probably nobody who does not care about his/her property after the death. For this reason there is a heirship which regulates passing of rights and responsibilities of dead people on other subjects and other law relationships that are established this way.

The aim of my rigorous work is to deal with a procedure of a notary as a law commissioner from the initialisation of the inheritance, finding assets and debts up to the definition of the common price of property that is a part of the inheritance. Because of the fact that the inheritance procedure and its process are influenced by a lot of unpredictable factors (relations among the inheritors, availability of information about the property and so on), it was not possible to describe all the situations that could happen during the process. That is why I focused on the standard practices connected with the inheritance procedure and I added notices from my own notary practice.

The biggest part of my thesis is dedicated to the finding of particular assets and debts of the inheritance because their list is an obligatory part of the inheritance procedure and that is at the same time the basis for the definition of usual price of testator's property. The proper estimation of all the property that the testator owned up to his/her death is also very important so that it could be possible to avoid the situations when another property occurs after the legal validity of the dismissal which leads to the initiation of an additional inheritance procedure.

In my thesis I extracted especially from the books and magazines of the technical bibliography (mostly from the magazine Ad Notam), the law judicature,

summaries taken during the training of notaries and notarial clerks and from the legal regulations – especially from the Law nb. 99/1963 Collection of Laws Civil Procedure Act subsequently amended, Law nb. 358/1992 Collection of Laws about the notaries and their activity (notarial act) subsequently amended and Public notice nb. 37/1992 Collection of Laws about rules of procedure for district court and regional court and other related laws (among others also notarial law). This amendment of act increases significantly the position of the notaries as law commissioners in the inheritance procedure and its aim is to make the proceedings shorter.

In terms of *de lege ferenda* it was mentioned that in the present time the complete articulated pleading of the new Civil Code including an adjustment of the heirship has been practically elaborated. The suggested law adjustment of the heirship reacts correctly on some current problems in the process of the inheritance and presents an important progress in our legal order. Nevertheless, it is not possible to ignore the fact that by the accepting of new suggested Civil Code it has to come to an important amendment of Civil Procedure Act and other related laws.