

Thesis abstrakt

Legal institute of settlement

The aim of the thesis is to characterize the legal institute of settlement from a general viewpoint, as well as to describe the most common situations where the institute of settlement is applied according to Civil Code.

The thesis is composed of five chapters.

The chapter One is introductory and characterizes the settlement as a process, in which the existing relations between subjects are liquidated while new ones are formed concurrently.

The following chapter is divided into four subchapters relating to the settlement of common property. The first of them explains what the co-ownership means in Civil law. Then the both ways of termination and settlement of common property are described, i.e. the termination of a settlement of common property by an agreement of co-owners and by a decision of court. The last subchapter is devoted to legal regulations of co-ownership in new Civil Code which is expected to be passed.

The chapter Three is focused on the settlement of community property. The property relations between spouses are mostly necessarily settled when the marriage has terminated by death or by dissolution of marriage. In two specific cases the community property terminates and must be settled, although the marriage still exists. It occurs in case of bankruptcy adjudication over the property of one of the spouses or if the sentence of property forfeiture has been imposed on one of the spouses. Possible ways of settlement are described in all these situations.

The fourth chapter of the thesis is focused on the distribution and settlement of descendants' estate. The property relations between heirs are settled in obligatory probate proceeding, which is initiated ex officio after the death of an individual.

The concluding chapter analyses other situations, in which the property relations are settled, however, not expressly mentioned in the Civil Code. It introduces a settlement between the owner and possessor, a settlement of jointly bounded and beneficiary subjects or a settlement of claims arising out of unjust enrichment.