

Abstract

The purpose of this thesis is to illustrate problems that arise in the transfer of ownership of real property using purchase agreement. The main reason for my research in this field is the undeniable importance of purchase transfer of ownership of real property and its economic significance.

The thesis is divided into introduction and conclusion with five different chapters in between, each chapter dealing with a different characteristic or problem that might arise while concluding purchase agreement.

Chapter One is introductory and defines purchase agreement on real property transfer in general and is subdivided into five parts. Part One describes historical evolution. Part Two deals with its modification in connection with Act No. 89/2012 Coll. (hereinafter „*New Civil Code*”). Part Three describes main characteristics of purchase agreement on transfer of real property. Part Four in its three sub-parts deals with essential requirements of purchase agreement on transfer of real property, which are subject, purchase price and identification of contracting parties. In all of the above mentioned parts, the thesis tries to provide the reader with possible solutions to risks and problems within the legislation and contractual changes.

Chapter Two reviews preemptive right and additional arrangements. Is subdivided into four individual parts. One part is explaining preemptive right, second part describing preemptive right in the context of New Civil Code and two other parts describing additional arrangements of agreement also with connection to the New Civil Code.

Chapter Three provides inside on acquisition of property rights from purchase agreement on transfer of real property and is separated into three other parts. Part One describes two phases of real property acquisition, e.i. *titulus* and *modus*. Part two deals with risk transfer of accidental deterioration. Last part of third Chapter describes withdrawal from the agreement and also consequence of such withdrawal for derived purchaser.

Chapter Four concentrates on problems concerning land registry especially the fact there is no material publicity of land registry currently in Czech legislation. Part One of this chapter characterizes land registry and legislation regarding it. Part Two focuses basic principles, on which the land registry rests. With the main emphasis on principle of good faith and protection of this principle, given the different perception

and interpretation from Supreme and Constitutional Courts. Part Three explores modification of land registry and its main principles especially good faith in public registers based on New Civil Code.

Chapter Five points out some other risky parts of purchase agreement on transfer of ownership rights to real property. In Part One, the thesis addresses problems emerging from easements and problems connected to easements. Part Two describes easements in connection with New Civil Code. Part Three deals with liens, which can burden the real property.

Lastly, in conclusion, the thesis briefly summarizes all problems mentioned previously and provides basic solutions to said problems.