

# ABSTRACT

(EN)

This work is dedicated to a selected range of issues concerning the problems of dealing with real estate. The focus of this work is the handling of material rights to real estate; out of the group of laws of obligations the work includes the issue of leasing real estate.

The work is divided into seven chapters.

**The first chapter** provides an introduction to the issues and deals with the systematic legal relationships to real estate.

**The second chapter** addresses real estate transfers, in which the focus is on the present development of judicature in regard to the effects upon a third party of withdrawing from a transfer agreement.

**The third chapter** discusses encumbrances and easements, their contents and comparison with public use like an institute of public law.

**The fourth chapter** handles the issue of real estate liens, including liens established within the scope of carrying out a court decision or distraint.

**The fifth chapter** looks into leasing real estate, in particular the differentiation of legal regimes by which the lease agreements abide, according to the type of real estate in question.

Despite the fact that the effectiveness of the new Civil Code (in the wording signed by the president of the Czech Republic) had been postponed by one year in contrast to the original expectations - therefore its effectiveness is for the time being set as of 1 January 2014 - **the sixth chapter** deals with the modification of certain questions of the new Civil Code having a relation to the topic of this work.

**The seventh chapter** contains the conclusion.

The majority of issues touched upon by this work have been analyzed from three angles. In one way, it is by reference to their solution in the doctrine of the optics of *de lege lata* and *de lege ferenda* (both in the current doctrine and in certain cases from the First Republic as well), in another through citing relevant judicature and comparing critically how much the judicature coincides with the doctrinal understanding of the given question. Finally, the author supplements these with her own proposed solutions to the given problems, in certain situations concordant with doctrine, in others with judicature, and in some cases a different possible interpretation has been concluded. Conclusions of doctrine and judicature are not analyzed dogmatically, but rather, they are subjected to critique in cases where the author does not identify with the position. The goal has also been to point out cases where doctrine conforms to judicature or where, though it is not in concordance, the judicature is at least constant. Also, the author tries not to avoid controversial issues, which are in practice not resolved uniformly, and suggests solutions which, according to her opinion, would correspond to a just arrangement of legal relations, or more precisely the most fair arrangement to the given issue within the limits (sometimes from the nature of the matter) of the not too fair provisions of legal regulations.