

ABSTRACT

Pledging a share in a business corporation

In my master thesis I focus on pledging a share of shareholder a limited liability company, which is a relatively common legal disposition with the share. Master thesis is based on valid and effective legal regulation that brought a number of innovations. In some chapters there is also mentioned the historical development of the institute for better orientation of the readers. The thesis examines legal literature, legal periodicals as well as attempts to capture also the applicability of existing case law on the new legislation. The main contribution of this work is to provide an interpretation of the provisions of which so far there is little consensus in the legal community, as well as pointing on problems and risks that regulation brings, especially from the perspective of the pledgee. The thesis is divided into four chapters, each chapter focuses on a different area of pledging a share of shareholder a limited liability company.

The first chapter defines general issues of pledge and define the subject of a lien and includes a brief introduction of the legal nature of the share.

In the second chapter, the reader is introduced into the mode of the establishment and creation of a pledge to a share, assumptions of its pledgeability and the process of entering a pledge in the commercial register. The chapter also mentions pledging a share from the unauthorized.

The third chapter mentions the specifics for the parties while the share is pledged. Mainly deals with the authority to receive monetary payments resulting from participation in company and the exercise of voting rights at the General Meeting. At the end of the chapter there are mentioned some transactions with shares, which, although not often occur, but have a major impact on the status of the pledgee.

The fourth chapter is about pledging a share represented by a share list. It deals with the establishment of a pledge to a security, rights and obligations of the parties pledge agreement and finally the rights in rem of the security in case of cross-border element.

The final section is a summary of the conclusions that I reached in the thesis.