Testamentary succession

Key-words: inheritance, inheritance proceeding, notarial registration, public record, succession, testament.

Abstract

This rigorous thesis deals with the questions of testamentary succession. These problems represent main section of law of succession and they are also very actual in the context of a new legal form respecting freedom of the testator will.

The thesis aims to provide reader compact and practical view on testamentary succession and analyze especially polemic questions, which are problematic in practice.

The thesis issues not only from the study of contemporary literature and practise of the courts, but also closely explore historical legal forms, especially legal form included in General Civil Code. With this is connected analysis of authentic literature and practice of the courts (e. k. Supreme Court from 1859−1915 and Supreme Court of Czechoslovak republic from 1919−1948). Last but not least the thesis gathers from the wide variety of foreign sources and offers comparison with the similar legal forms like Austrian, German and Swiss. On the strength of these informations it solves submitted problems from a practical point of view, so that resulting conclusions constitute not only logical interpretation of law, but especially follow the purpose of the legal form with regard to the recipients of a legal rules.

The thesis is from practical and objective point of view completed by some common examples (holographic testament, allographic testament, notarial will, revocation of the testament, codicil).

The thesis provides comparison of the different legal opinions and, on the basis of own analysis, offers in detail reasoned solutions of these problems, including important link to the inheritance proceeding. It solves many practical problems from the view of daily experienced writer of testaments and conductor of inheritance proceedings. These conclusions are usable not only as a matter for next research of this part of law, but especially have importance for practising lawyers, which don’t have needed informations because of lack of actual practise of the courts.