

ABSTRACT

The diploma thesis deals with the topic of the status of creditors of the testator in the estate proceedings, which has undergone a major change with the modification of the current Civil Code. Adjustment of inheritance law and, with it, the position of creditors in the estate proceedings during the period of socialism was dismal, so this change was needed. The ability of creditor to protect his debts in the case of the debtor's death has been extended by many new and old-age institutions. Together with that, the responsibility of the heirs for the testator's debts was extended. The diploma thesis deals with the opinions of the professional public, which are often very different or even contradictory. Part of this work is an analysis of these opinions and searching for a suitable starting point. The thesis is divided into six chapters. The first deals with inheritance law as an absolute property right, that is, the law that works *erga omnes*. It also defines the conceptual difference between inheritance and estate introduced into civil law with the effect of the Civil Code. The second chapter deals with the genesis of the transition of testator's debts to the heirs and the position of creditors in the past. The historical chapter summarizes both substantive and procedural law, without which the entire inheritance (now estate) procedure would not be possible. The third chapter analyzes the possibilities of creditors to protect their claims. In the course of this chapter, the individual institutes used to improve the position of creditors at the death of their debtor are gradually analyzed. The fourth chapter outlines the creditors' participation and the actions of the heirs, the estate manager, or other persons in the estate proceedings, through which creditors can learn about the ongoing proceedings and become part of it. Also, some types of receivables are discussed, with which there are often inconveniences. The penultimate chapter is devoted to the position of heirs and their possibilities of dealing with the heritage, if they suspect that the estate is overextended, they have no information about it or are only vigilant and want to protect their property. In this chapter is a part devoted to the caducum, that is, the state's responsibility as heir to the debtor's debts. The final chapter of the thesis deals with the liquidation of the estate as the main way of dealing with the overextended estate. Purpose of the chapter was mapping of the procedure through the entire liquidation proceedings and the fate of the debtors' claims of the debtor, whose estate is overextended.