

Disputes over inheritance law in inheritance proceedings

Abstract

This thesis deals with the inheritance proceedings. The thesis is primarily focused on disputes over inheritance law that may arise during the inheritance proceedings and which must be resolved in the ways prescribed by law before the final decision on inheritance is made.

The content of this thesis is divided into four main chapters. The first chapter is devoted to the general characteristics of inheritance proceedings. The purpose was to describe which legal provisions regulate the inheritance procedure, on which principles the procedure is based and what its normal course looks like.

Chapter two is focused directly on the disputes over inheritance law. The subchapters describe what a dispute over inheritance law is and how it is defined by the Act On Special Court Proceedings. On the contrary, it is also described what the case law or commentary literature does not consider as a dispute over inheritance law, although this may not be obvious at first sight. The procedure for resolving such disputes depends on whether the dispute is based solely on a legal assessment of the situation, or whether the facts on which the right of succession of individuals depends are the subject of the dispute. The aim of the subchapter, which focuses on the development of the legal framework since the establishment of independent Czechoslovakia, was to highlight the changing approach to the resolution of these disputes.

The third chapter is devoted to disputes of fact, because two courts play a role in their resolution, namely the court before which the actual inheritance proceedings is held and the court before which the contested proceedings are initiated. One of the subchapters deals with the nature of the action that a party must bring in order to have a chance of remaining a party to the inheritance proceedings. Other subchapters focus on the characteristics of the time limit set by the notary for bringing the action and the consequences of bringing or not bringing this action. In this third chapter, considerable space is also devoted to some of the causes of dispute over inheritance law, namely wills and sharing a common household as grounds for statutory succession of heirs.

The last chapter focuses on the legal regulation of disputes over inheritance law in the Slovak Republic. From the described legal development, it is evident that the Slovak Republic followed the same path as the Czech Republic when amending the general procedural code, except for a few minor differences.

Key words:

inheritance proceedings

notary

disputes over inheritance law