

Abstract

Community property of spouses - termination and settlement

The topic of my thesis is called Community property between spouses, its termination and settlement. I have chosen this particular topic because I am interested in this area and in civil law in general and also I find it very important.

Community property of spouses is a specific type of property partnership, which can exist only between spouses. The community property of spouses originates and terminates together with the marriage. Upon the termination of marriage, community property of spouses also terminates and needs to be settled.

The thesis is composed of six chapters which further include sub-chapters and sections. At the beginning there is an introduction into the history and development of the legal regulations of community property of spouses. Attention is given to the great amendment of the Civil Code carried into effect by Act No. 91/1998 Coll., which has brought many changes into the legal regulations of community property of spouses.

Chapter two defines the basic terms connected with the issue of the community property of spouses, namely concept, establishment, subject of community property of spouses, property assets and debts of the spouses, exclusive property of each of them and also community property in connection with business activities of one of the spouses.

Chapter three describes the options to modify the legal scope of the community property of spouses.

Chapter four deals with the termination of the community property of spouses. Community property termination is not caused only by the termination of marriage, but it can occur also during a still existing one. In case of the first option, community property termination can be caused by the spouse's death or upon divorce. In case of secondly mentioned option, community property termination occurs when a judicial statement regarding property forfeiture of any spouse is made and upon adjudication bankruptcy over the property of one spouse. All these situations are analysed in detail.

Chapter five is called community property settlement. This chapter describes

the principles of settlement and different ways of settlement as agreement of the spouses, judgment of the court or statutory presumption. These situations are being dealt with in separate sections.

The last chapter analyses the community property termination according to Insolvency Act.

The work deals with the current legislation governing the institute of common property of spouses. It includes also examples of various judicial decisions throughout the text.