

As a thesis topic I have chosen court's decision on the settlement of community property of spouses. Community property is a one of the fundamental property of civil law. Court's decision on the settlement is then one way of settlement of property after his end. Community property is usually settles after the death of her husband or after a divorce. It combines both substantive issues and procedural .

The topic I chose it because in my opinion it is an interesting issue, law insufficiently treated, and in practice very often . Undoubtedly there is a lot of practical problems in settlement of marital property, mainly because of the situation in which settlement occurs, the settlement participants are usually very mentally challenging. Problematic is also the ignorance of the law , and often the unwillingness to respect the rule of law .

The aim of this work was to focus on the issues arising from judicial settlement. These arise from the need to take into account the behavior of spouses before the marriage and then of interests to be protected. Initially, I ran into a problem very brief statutory regulation, but it turned out that, together with the case law is sufficient. With the entry of the New Civil Code in force on 1 First 2014 I then briefly summarized the changes introduced and commented on the applicability of Supreme Court decisions interpreting the current treatment after the change. In the end, I then analyzed in a case report that illustrates the court's decision on the settlement after taking into account the principles of the settlement.

The work is divided into five chapters. The first chapter is an introduction to the topic, explains the origin and termination of the joint property, the possibility of its modification as to the time of occurrence of marital property and its contents and discusses the subject of joint property, which is detailed in chapter two. The second chapter has four subsections, assets, liabilities , other assets and the valuation process of all these values .

The third chapter is mainly for this job. It is divided into several sections and subsections. First is devoted to the settlement agreement and settlement based on the statutory presumption § 150, paragraph 4 of the Civil Code. Subsequently, then in detail the issue of settlement of marital court decision. Here we discuss the general management issues, terms of settlement the position of the parties. There are also dealt with the principles of the settlement - equal share, Merit, awarded to the one of the spouses.

The fourth chapter deals with the issue of marital adjustment in the new Civil Code, Law No. 89/2012 Coll Points to future changes and notes the applicability of existing case law for the future.

The final, fifth chapter discusses a practical example settlement of marital property. This is the case, the procedure for which the solution has reached the Supreme Court, which

returned it to the court of first instance and on which it is shown how the court for the settlement proceeds.