

Cancellation and Settlement of Co-ownership and Pre-emptive Right of Co-owners

Abstract

The thesis is focused on the cancellation and settlement of co-ownership and pre-emptive right of co-owners. The goal of the thesis is to analyse the situations when one of the co-owners decides to leave the co-ownership. For it there is an institute of the cancellation and settlement of co-ownership or a transfer of co-ownership share in which the co-owner can be limited by pre-emptive right of the other co-owners. The result of the analysis is also a valorisation of imperfections of legislation and a proposal of their solutions.

The thesis consists of introduction, five parts and conclusion. It draws information from legal regulations, legal literature, case law and other.

After short introduction, the second part of the thesis deals with historical development of co-ownership with a view to the development basic phases. This part ends with the principles of recodification of private law in section of co-ownership. These principles were the way-outs for current legislation.

The next part of the thesis deals with general characteristics of co-ownership and its selected basic elements such as subjects and an object of co-ownership. The co-ownership share is also mentioned there.

The fourth part and the fifth part of the thesis are the most important. In the fourth part the cancellation and settlement of co-ownership is analysed in detail there. This part is divided into six chapters which are focused on a general view on the cancellation and settlement of co-ownership, the cancellation and settlement of co-ownership by agreement of co-owners or by court decision, a separation from co-ownership, a postponement of cancellation of co-ownership and the settlement of co-ownership in a broader sense.

The fifth part is aimed at pre-emptive right of co-owners. At first general characteristics is done and then it is focused on a development of legislation in the current

civil code. Then the current legislation is analysed together with a question of realisation of pre-emptive right.

The thesis also deals with legislation in abroad. The comparison with legislation in the Germany civil code is done there. In the first chapter the comparison is aimed at the cancellation and settlement of co-ownership and in the second chapter the comparison is focused on pre-emptive right.

In the end of the thesis there are emphasized key thoughts and opinions of the author of the thesis. The specific imperfections and advantages of legislation are also evaluated there. The valorisation of legislation as a whole is done there too.