

Matrimonial property with an emphasis on its settlement in the context of succession proceedings

Abstract

The topic of this thesis is Matrimonial property with an emphasis on its settlement in the context of succession proceedings. The aim of the thesis is to provide a comprehensive interpretation of the institution of matrimonial property with a focus on the process and methods of its settlement in the course of succession proceedings. The main motive behind the objective is the distorted and unclear idea of the public about matrimonial property and its settlement.

The first part deals with the concept of matrimonial property, its characteristics and briefly introduces the institution of matrimonial property in Europe.

The second part describes the historical development of matrimonial property. The description begins in antiquity and proceeds further in time to relatively recent times. It then focuses more specifically on the legal arrangements in our territory.

The third part deals with the current matrimonial property law. Beyond the basic and essential information about the creation, regimes and termination of matrimonial property, it also includes a look into the conflict of laws rules of the contractual matrimonial regime and presents specifics of matrimonial property in the context of enforcement and execution.

The aim of the fourth part is to introduce succession law as a part of civil law to the reader. It does this from the point of view of substantive law and procedural law as well.

The essence of the fifth part is to take a comprehensive view at the settlement of the matrimonial property as one of the steps in the succession proceedings. This part also provides a look at the issue of unsettled matrimonial property previously dissolved, annulled or reduced.

Part six, the last part, aims to conclude the thesis by giving examples of the settlement of matrimonial property during the succession proceedings and works with specific facts and figures. It presents both situations in which there is an agreement on the division of the matrimonial property and situations in which the notary as a court commissioner decides on the division of the matrimonial property.

Throughout the thesis, the statutory provisions are supplemented by commentary interpretations and case law that explains and also further develops the legislation.

Key words: matrimonial property, settlement of matrimonial property, succession proceedings