

Inheritance from a will

Abstract

This rigorous thesis deals with the topic of inheritance law, namely last wills. The aim of the author is to describe the current legal situation in the Czech Republic from the current point of view as well as from the historical point of view. Inheritance law is an integral part of private law and it touches each of us in some way during our lives. The institution of a last will and the possibility of its creation is one of the basic manifestations of the autonomy of the will and therefore has an irreplaceable place of importance for society and individuals in the transfer of property to heirs.

Inheritance law has historically undergone significant changes, and this thesis, in its introductory part, provides a comprehensive insight into the historical development of last wills from the time of Roman law until the New Civil Code. However, the main part of the work is a description of the current legal situation with reference to relevant case law, theory and practical examples. The thesis works with both descriptive and comparative methods. The comparative part, comparing the new legislation with the previous Civil Code, runs through the whole thesis. Beyond this comparison, the thesis contains a separate section which compares the Czech and Austrian legislation.

The thesis consists of an introduction, 16 chapters and a conclusion. In the introduction, the author states the aims of the thesis, the methodology used, the division of the thesis, the description of the sources and, above all, what the thesis as a whole wants to offer the reader. The first chapter of the thesis is devoted to a historical description of the development of the last will. The second chapter deals with the principles governing the law of succession. The third chapter describes in detail the prerequisites of inheritance. The fourth chapter aims at introducing the institution of the obligatory share and a more detailed specification of the nonnegligible heirs. The fifth chapter is thematically related to the previous one as it deals with disinheritance. The opposite topic, i.e. when the right of inheritance can be waived, is dealt with in chapter six. Chapter seven discusses the various last acquisition in the event of death. The next three chapters, eight, nine and ten, deal with the last will as such, testamentary capacity and the requisites of a last will. The two subsequent chapters take a closer look at the contents of last wills and the forms of last wills and are thus the most central chapters. Chapter thirteen

gives space to the notarial custody of the last will. Chapter fourteen describes the new institution of so-called privileged last wills. Chapter fifteen provides space for details concerning the revocation of last wills. The sixteenth and last chapter offers a detailed comparison of Czech and Austrian law on last wills.

The conclusion includes an evaluation of the objectives of the thesis and an overall assessment of the current legislation.

Key words

Civil law, inheritance law, last will