

The legal institution of settlement of property

Summary

The purpose of my thesis is to analyse the legal institution of settlement of property, an institution which constitutes an important part of legal order, and to point out the problems, difficulties and questions frequently arising out of practice, out of regular encounters with different branches of law, where we can find the institute of settlement. The reason for my research is to characterise several types of settlements of property, make a brief description of each of them, to point out their distinctive features and to examine the interplay of legal institution as described in law with its real, day to day application influenced by day to day life.

The thesis is composed of four chapters, each of them dealing with different aspects of legal institution of settlement of property. Chapter One is introductory and defines basic principles of settlement of property, its history, the changes and the evolution of this institute. Chapter Two is subdivided into five parts, each of them dealing with one type of settlement of property, including settlement of residential property, and introducing their basic principles and rules.

Chapter Three, consisting of five parts, examines the types of settlement of property more profoundly, dealing with relevant Czech legislation and judicature. Part One describes dissolution of divided co-ownership, its development and basic principles related to it. Part Two deals with tenancy by entirety and the relations between spouses resulting from community. Part Three focuses on unjust enrichment in relation with the co-ownership and part four deals with the claims from association come to an end. Last subchapter of chapter three is about inheritance. Conclusions are drawn in Chapter Four. The main aim of the thesis is to point out the common problems most often encountered in relation with the diverse institutions of settlement of property. The subject of my paper is very broad and due to its frequent application in practice, diverse field of practice to be exact, this topic can't never be exhausted. The new questions appear again and again from the day to day live. The institution of settlement of property is changing with the changes of society, customs, and of course legislation and its application by courts and because of this changes new questions will still appear, even though the basis – the relationships between people concerning their property – will be still the same.

Key words:

Legal institution of settlement of property

Tenancy by entirety

Co-ownership

