

Abstract

This thesis deals with the inheritance procedure with a focus on the settlement of the common property of the spouses. The first chapter of the thesis is an introduction. The second chapter is called The inheritance procedure and deals in general with the course of the inheritance procedure. This chapter introduces the legislation that forms the basis for the inheritance procedure and the settlement of common property of the spouses. The work briefly describes the purpose of the inheritance procedure. An attention is also paid to jurisdiction, participation and tutelage. In the subchapter proceeding of inheritance, the thesis deals with ways to clarify the estate of the testator and to determine the inheritance rights. It is also about drafting a preliminary investigation report and ceasing the proceedings. At the end of the second chapter there is included a part dealing with cases of additional inheritance procedure proceedings. The core of this thesis is the third chapter entitled Selected issues of settlement of common property of spouses in proceedings of inheritance. The first subchapter summarizes the process of finding a marital property regime. The thesis also deals with the detailed analysis of the provisions of § 162 and § 163 of Act No. 262/2013 Coll., On special judicial proceedings. It describes the assets and debts of the common property of the spouses. Among assets of common property of spouses, the special attention is paid to bank account funds and the usual household equipment, which are property items whose settlement may seem to be problematic. Another part of the thesis deals with ways of settling the common property of the spouses, which are an agreement and a settlement by a court decision. The thesis also deals with the additional settlement of common property of spouses and the right to settle common property of spouses within the meaning of provision § 163 of Act No. 262/2013 Coll., On special judicial proceedings. The last chapter of the thesis is the conclusion in which the legal regulation of the examined issue of settlement of the common property of the spouses in the inheritance procedure is evaluated.