

BOOK FOUR INHERITANCE LAW

TITLE I GENERAL PROVISIONS ON INHERITANCE

Article 1432. Inheritance

(1) Inheritance is the conveyance of the property of a deceased natural person (decedent) to his heirs.

(2) The inheritance is a transmittal of rights in the event of decease, having a universal, unitary and indivisible character.

(3) The inheritance may take place by virtue of will (testamentary succession) and by virtue of legal provisions (statutory succession).

Article 1433. Heirs

(1) The following persons may be heirs, in the case of:

a) testamentary succession, those living at the time of decedent's death, as well as persons conceived while the decedent was still alive and born alive after his decease, regardless of whether these are his children, as well as legal entities having civil legal capacity at the moment of decease of the person that left the inheritance;

b) statutory succession, those living at the time of decedent's death, as well as children of the decedent, conceived when he was alive and born alive after his death.

(2) The state has testamentary heir capacity, as well as capacity to inherit by escheat.

Article 1434. Unworthy Heir

(1) The following persons may not become testamentary or statutory heirs:

a) persons that committed a willful criminal offense or an immoral deed against decedent's last will, expressed in the will or against the decedent himself, where such circumstances have been concluded upon by court judgement;

b) persons that deliberately impeded the realization of decedent's last will and thus favored their own vocation to inheritance or the vocation of persons close to them or to the increase of the inheritance share of the persons mentioned.

(2) Parents deprived of their parental rights, which were not restored upon the date of inheritance accrual, may not become statutory heirs of their children, as well as the parents (adoptive parents) and adult children (including adopted children) that eluded in bad faith to perform the obligation of decedent's maintenance, where this circumstance is concluded upon by the court.

Article 1435. Deprivation of Right to Inherit

The circumstance that constitutes a ground for deprivation of the right to inherit must be ascertained by court. The action may be filed by the person, in whose regard the deprivation of unworthy heir of his right to inherit brings about material consequences.

Article 1436. Pardon of Unworthy Heir

The person guilty of committing actions triggering deprivation of the right to inherit may be, nevertheless, called to inheritance, if the decedent has pardoned that person, stating this explicitly in the will.

Article 1437. Duties of Person Declared as Unworthy Heir

Where, after receiving inheritance, the person is declared as unworthy heir by court, he shall be bound to return all that he received as inheritance, including fruits collected.

Article 1438. Term for Filing Action on Declaration of Heir's Unworthiness

The action for declaring a person as unworthy heir must be filed by the interested person within a year from the date of inheritance accrual.

Article 1439. Inheritance Share of Person Deprived of Right to Inherit

The inheritance share of the person deprived of the right to inherit shall be divided equally between all remaining heirs.

Article 1440. Accrual of Inheritance

- (1) The inheritance is accrued by death of natural person or declaration of his death by court.
- (2) The moment of inheritance accrual shall be deemed the moment of decedent's death or the date when the court judgement on declaration of death became definitive.

Article 1441. Concomitant Death of Persons Having Vocation to Inherit in Relation to Each Other

- (1) Persons with reciprocal or unilateral vocation to inherit that died without the possibility of establishing whether one was survived by another shall be presumed to have died concomitantly.
- (2) Property of each of the persons that died concomitantly shall be inherited by their own heirs.

Article 1442. Accrual of Inheritance after Declaration of Person's Death

The effect provided for in art.1441 also ensues in the event of declaration by court of the death of several persons, as a consequence of their disappearance under the same circumstances. In such a case, the moment when the court judgement declared the death of those persons is not relevant.

Article 1443. Place of Inheritance Accrual

The place of inheritance accrual is last decedent's domicile. If the last domicile is unknown, the place of inheritance accrual shall be the place where the inheritance estate is located. Where the inheritance assets are located in different places, the place of inheritance accrual shall be deemed that where the most valuable part of immovable assets is situated. Where there are no immovable

assets, the place of inheritance accrual shall be the place where the most valuable part of the movable assets is situated.

Article 1444. Inheritance Estate

(1) The inheritance estate includes both property rights (assets of inheritance), as well as property obligations (liabilities of inheritance) pertaining to the decedent at the moment of his death.

(2) Where there are several heirs, their inheritance shares shall belong to all of them as a single estate, until the receipt of the certificate of inheritance.

(3) The inheritance estate includes decedent's share in joint property or its value, where the partition is not possible.

Article 1445. Future Assets

The testator may include into the will provisions regarding assets that he did not own at the moment of will drafting, but which must come into his property upon accrual of inheritance.

Article 1446. Inadmissibility of Conveyance by Inheritance of Personal Rights and Obligations

The inheritance estate shall not include property rights and obligations with personal character and which may belong only to the decedent, as well as rights and obligations, provided for in contract or law, which are valid while the decedent is alive and cease upon his death.

Article 1447. Protection of Decedent's Non-Property Rights

Decedent's non-property rights that are not included in the inheritance estate may be exercised and protected by the successors as provided by law.

Article 1448. Right to Claim Asset from Inheritance Estate

(1) Where the testator has bequeathed an asset that belongs to another person, the latter has the right to claim the asset in accordance with the general principles.

(2) Where decedent's property contains assets that belong to another person, the establishment of this part of property and its transmittal to the person entitled is mandatory.

TITLE II TESTAMENTARY SUCCESSION

CHAPTER I

GENERAL PROVISIONS ON TESTAMENTARY SUCCESSION

Article 1449. Will

- (1) The will is a solemn, unilateral, revocable and personal transaction by virtue of which the testator disposes of all his property or of a part of it on a gratuitous basis.
- (2) Only a competent person may be testator.
- (3) Making a will through an agent is not allowed.

Article 1450. Determination of Portion by Testator

- (1) In his will, the testator may determine the portions of the appointed heirs or specify which property shall be inherited by each of the heirs. If the will lacks such specification, the heirs inherit in equal shares.
- (2) If several heirs are appointed by will and only the portion of one heir is specified there, the other heirs inherit the remaining property in equal shares.

Article 1451. Replacement Heir

- (1) The testator is entitled to appoint another heir (replacement heir) in the will, in contemplation of the possibility that the heir appointed by him will die before the inheritance accrual, will disclaim the inheritance or will be deprived of the right of inheritance.
- (2) Disclaimer of inheritance by testamentary heir is admitted only when he does not specify in favor of whom he relinquishes.

Article 1452. Distribution of Inheritance among Testamentary Heirs

If several heirs are appointed by will and the portion allotted to one heir includes the entire estate, all testamentary heirs shall receive equal shares.

Article 1453. Inheritance of Non-Bequeathed Property

If the shares of the testamentary heirs do not exhaust the whole inheritance, the remaining property is subject to legal succession or escheat, which also pertains to those statutory heirs to whom a part of the estate was bequeathed, unless the will provides otherwise.

Article 1454. Impossibility of Exact Identification of Heirs

If the testator has identified the heir with such characteristics that fit several persons and it is impossible to determine whom the testator had in mind, they all are deemed to be heirs entitled to equal shares.

Article 1455. Disinheritance by Will

- (1) The testator may by will disinherit one, several or all statutory heirs and is not bound to motivate his act.
- (2) A person disinherited by direct indication in the will may become statutory heir neither to that part of the property which is not included in the will, nor when the testamentary heirs have disclaimed the inheritance.

Article 1456. Reservation of Right of Inheritance

The statutory heirs not mentioned in the will reserve the right of inheritance to the non-bequeathed part of the estate; they shall also receive the property specified by the will if by the time of accrual of the inheritance none of the testamentary heirs is living or all of them have disclaimed the inheritance.

Article 1457. Impermissibility of Statutory Succession

If the entire inheritance has been distributed among the testamentary heirs according to the will, and, by the time of accrual of the inheritance, one of the heirs is not living, statutory succession shall not take place and the other testamentary heirs will receive his portion of the estate in equal shares.

**CHAPTER II
FORM OF WILL****Article 1458. Form of Will**

The will may be drawn only in one of the following forms:

- a) holographic will – written personally by testator, dated and signed by him;
- b) notary-certified will – will certified by notary, and the will equated to that certified by notary;
- c) secret will – written, dated, signed and sealed by testator, and presented to the notary, who makes the certification inscription on the envelope signed by testator and notary.

Article 1459. Will Equated with Notary-Certified Will

(1) The following persons are equated with notary with regard to certification of will:

- a) head physician, head of the medical department, their deputies, doctor on duty at the civil or military hospital, another medical institution or sanatorium, director or head physician of the rest home, if the testator undergoes treatment or lives at that institution; head of the search-party, geographical or similar expedition, if the testator is on such an expedition;
- b) captain of the ship or airplane, if the testator is on the board of the ship or airplane;
- c) commander (head) of the military unit, alliance, institution or college, if there is no notary at the stationing of the military unit and if the testator is a serviceman or an official at the military unit, a civilian or a member of his family;
- d) head of the penitentiary if the testator is kept there in confinement.

(2) The will certified as stipulated in par.(1) shall be sent not later than the day following the certification to one of the notaries at the place where the respective institutions are located.

Article 1460. Signing of Will by Another Person

If, for any reason, the testator is not able to sign the will with his own hand, then, at his request, another person may sign the will in the presence of at least 2 witnesses, the testator and the notary. In this case, it is necessary to specify the reasons for testator's inability to sign the will with his own hand. The witnesses also have to sign the will.

Article 1461. Will of Illiterate or Disabled Person

The will of an illiterate or disabled person is made without fail in the presence of 2 witnesses and of a person that can communicate with the testator, confirming by signature his declaration of will.

Article 1462. Witnesses to Will

Minors declared incompetent, disabled persons, testamentary heirs, their ascendants and descendants, sisters, brothers, spouses and recipients of the legacy (legatees) may not become testamentary witnesses.

Article 1463. Secrecy of Will

The notary, or another person who certifies a will, the witness, and the persons who sign the will for the testator, have no right, before inheritance accrual, to disclose information concerning the content of the will, the process of its making, amendment and revocation.

Article 1464. Date of Making of Will

The will must bear the date of its making. Absence of date entails invalidity of the will only when the doubts about the competence of the testator at the time of making, amendment or revocation of the will are not dispelled or when there are several wills.

CHAPTER III**AMENDMENT, REVOCATION OR CANCELLATION OF WILL****Article 1465. Amendment or Revocation of Will**

A testator may amend or revoke the will:

- a) by making a new will that directly revokes the previous will or that part of it which is contradictory to the new will;
- b) by submitting an application to a notary's office;
- c) by destroying all copies of the holographic will.

Article 1466. Impermissibility of Restoration of Revoked Will

The will, revoked by another will made later, may not be restored even when the later will is revoked by submittal of an application.

Article 1467. Multiple Wills

If the testator has made several wills but they supplement and do not completely replace each other, all wills remain in force. The previous will remains in force inasmuch as its provisions are not altered by the subsequent will.

Article 1468. Grounds for Declaration of Invalidity of Will

A will becomes invalid if:

- a) the person in whose favor the will was made dies;
- b) the only heir disclaims the inheritance;
- c) the devised property is lost during testator's lifetime or is alienated by him;
- d) to the extent of violation of compulsory portion.

Article 1469. Invalidity of Will

(1) A will is declared invalid in the presence of circumstances that entail invalidity of transactions in general.

(2) Testamentary dispositions that are contradictory to the law or public interests, as well as conditions that are unclear or contradictory to each other, are invalid.

(3) The will, which is made without consideration of form established by law, is invalid.

(4) Invalidity of will shall be declared by court.

Article 1470. Invalidity of Particular Testamentary Dispositions

(1) A testamentary disposition is invalid if it serves as grounds for inheriting a thing that is absent from the inheritance.

(2) A testamentary disposition is invalid if it cannot be carried out for reasons of health condition or for other valid reasons.

Article 1471. Effects of Loss of Legal Force or Invalidity of Testamentary Disposition

If one of several testamentary dispositions are invalid or lose effect and the testator has not left any other dispositions, the other testamentary dispositions remain in force.

Article 1472. Inheritance in Case of Invalidity of Will

If the will is declared invalid, the heir who is deprived of the right of inheritance by that will is entitled to receive the inheritance according to the general procedure.

Article 1473. Disputing of Validity of Will

The validity of a will may be disputed by statutory heirs and other interested persons on the basis of circumstances which entail invalidity of the transaction.

Article 1474. Term for Lodging Claim

(1) A claim for invalidation of the will may be lodged within one year from the day of accrual of the inheritance

(2) The statute of limitations does not extend to owner's claim if the testator has wrongfully devised another's property as his own to the heir.

EXECUTION OF WILL**Article 1475. Executors of Will**

If the will does not specify the executor thereof, the execution is assigned to the testamentary heirs. The heirs may, by mutual consent, entrust the execution of the will to one of them or to another person.

Article 1476. Appointment of Executor

For the purpose of exact execution of the testamentary dispositions, the testator may appoint by his will one or more executors, either out of the number of testamentary heirs or other persons who are not heirs. In the latter case, it is necessary to obtain executor's consent, which he may give by making a note on the will or by attaching a declaration to it.

Article 1477. Refusal to Execute Will

The executor of the will is entitled at any time to refuse the duty imposed on him by the testator, whereof he must give notice to the testamentary heirs.

Article 1478. Appointment of Executor by Third Party

(1) The testator may assign the appointment of the executor to a third party who, after inheritance accrual, must immediately appoint the executor and notify the heirs to that effect. The third party is entitled to refuse to carry out that assignment, whereof he must immediately notify the heirs.

(2) The assignment of executor is made by submitting a request by the third person to the notary of the place of inheritance accrual.

(3) The executor notifies his approval by submitting a request to the notary of the place inheritance accrual.

Article 1479. Complete or Partial Execution of Will

The executor may be assigned by testator to execute the will in full or in its particular dispositions.

Article 1480. Protection and Administration of Inheritance

From the moment of inheritance accrual, the executor must undertake protection and administration of the inheritance; he is authorized to perform all acts necessary for the execution of the will. Within the limits of this empowerment, the heirs lose their right to administer the inheritance.

Article 1481. Protection and Administration of Inheritance by Multiple Executors

If there are several executors, performance of individual acts is permissible only for the purpose of protecting the inheritance; otherwise consent among executors is required.

Article 1482. Reimbursement of Outlays on Execution

(1) The executor performs his duties on a gratuitous basis, although he may receive remuneration, insofar as the will provides for this.

(2) The executor has the right to reimbursement out of the inheritance for the outlays incurred on protection and administration of the estate.

(3) The executor, if not an heir, has no right to make other expenses out of the inheritance, except for the cases provided by art.1551 of this Code.

Article 1483. Executor's Report

After the execution of the will, the executor is bound to provide the heirs with a report on his activity upon their request. The executor performs his functions until all heirs accept the inheritance.

Article 1484. Removal of Executor

An interested person may take a legal action for removal of the executor from his office if there are valid reasons for this.

Article 1485. Liability of Executor

If the executor, deliberately or by gross negligence, deviates from the performance of the duties imposed upon him by will and by doing so causes damage to the heirs, he shall bear liability for that damage.

CHAPTER V LEGACY

Article 1486. Legacy

A testator may charge a person by will with a legacy without appointing him as heir.

Article 1487. Subject of Legacy

The subject of a legacy may consist in transfer of the ownership, use, or any other real right in bequeathed things to the receiver of the legacy (legatee), in acquisition and transfer of non-bequeathed property to him, in producing of certain works, rendering of services, etc.

Article 1488. Use of Living Accommodation on Basis of Legacy

A testator is entitled to charge the heir, who inherits the dwelling house, apartment or other living accommodation, with the obligation to transfer the right of lifelong use of the accommodation, or of a certain part of it, to one or more persons. The right of lifelong use remains effective in case of subsequent assignment of the ownership of the living accommodation.

Article 1489. Inalienability of Right to Lifelong Use of Living Accommodation

(1) The lifelong use of a living accommodation may not be alienated and transferred to the heirs of the legatee.

(2) The lifelong use of a living accommodation creates no legal grounds for residence of the legatee's family members in that living accommodation, unless the will provides otherwise.

Article 1490. Scope of Execution of Legacy

The heir charged with a legacy shall execute it to the extent of the real value of the bequeathed inheritance, with deduction of testator's debts, which accrue to this heir, unless the will provides otherwise.

Article 1491. Execution of Legacy by Other Heirs

(1) If the heir charged with a legacy dies before the accrual of the inheritance or disclaims the inheritance, the duty to execute the legacy passes to the other heirs who have received his share.

(2) If several heirs are charged with a legacy, each of them is charged in proportion to his share in the inheritance.

Article 1492. Time of Execution of Legacy

The legatee is entitled to demand execution of the legacy within 6 months from the day of inheritance accrual, unless the will provides otherwise.

Article 1493. Termination of Execution of Legacy

The legacy terminates if the legatee:

- a) has not requested execution in terms specified in art. 1492;
- b) dies before the date of accrual of inheritance.

Article 1494. Legacy in Case of Compulsory Portion

If a testamentary heir charged with a legacy is also entitled to the compulsory portion, he shall execute the legacy only within that part of the bequeathed estate, which he receives in excess of his compulsory portion.

Article 1495. Liability of Legatee

The legatee is not liable for testator's debts.

Article 1496. Disclaim of Legacy and Discharge from Legacy Execution

(1) A legatee is entitled to disclaim the legacy. In this case, the respective share in the inheritance is due to the heir who was charged with the execution of legacy.

(2) If the legatee disclaims the legacy, the heir who was charged with the execution of legacy is discharged from the duty to execute it.

Article 1497. Devolution of Legacy

If the legatee dies after inheritance accrual and fails to give his consent to the acceptance of the legacy, the title to this legacy devolves to his heirs if the legacy has no connection with legatee's personal features.

Article 1498. Legacy for Public Benefit

(1) A testator may charge his heir with the performance of an act intended for public benefit, which can be either of property or non-property nature.

(2) If the act to be performed concerns property, the provisions for legacy apply.

(3) In the event of death of the heir charged by the will with performance of an act intended for public benefit, the duty to fulfill this obligation devolves to other heirs who received his inheritance share.

(4) The executor of the will is entitled to demand that the heir perform the act he is charged with; if there is no executor, the demand may be made by any heir as well as by other interested persons.

TITLE III STATUTORY SUCCESSION

CHAPTER I GENERAL PROVISIONS ON STATUTORY SUCCESSION

Article 1499. Statutory Succession

(1) Statutory succession, that is the devolution of decedent's property to persons stipulated by law, is applied in the following cases:

- a) there is no will left by the testator;
- b) the will was declared invalid;
- c) the testamentary heir died at the same time with the testator;
- d) the testamentary heir is unworthy.

Article 1500. Statutory Heirs

(1) In statutory succession, the following heirs are entitled to inherit in equal shares:

- a) in the first instance – descendants (sons and daughters of the testator, the decedent's posthumous child, as well as the adopted children), surviving spouse and privileged antecessors (parents, adoptive parents) of the decedent;
- b) in the second instance – collateral relatives (brothers and sisters) and regular antecessors (grandparents, both on the father's and the mother's side) of the decedent;
- c) in the third instance – regular collateral relatives (uncles and aunts) of the decedent.

(2) The regular antecessors are called to inheritance in the order of proximity (closeness) to the testator, respectively grandparents replace great-grandparents etc., regardless sex and line of relationship.

(3) The right of representation is applied to descendants and collateral relatives as follows:

- a) to descendants – ad infinitum;

b) to collateral relatives – by the forth level of kinship inclusively (privileged collateral relatives – nephews and nieces from brother or sister, grand-nephews and grand-nieces; regular collateral relatives - first cousins).

(4) Representations are put in effect in accordance with provisions of art.1504.

(5) An adopted person and his descendants may not inherit after the death of their natural parents, other natural ascendants, blood brothers and blood sisters.

Article 1501. Precedence in Statutory Succession

Heirs of subsequent instance are called to statutory succession only if there are no heirs of preceding instances or if these do not accept or refuse the succession. They are called to succession if all heirs of preceding instances have been deprived of the right of inheritance.

Article 1502. Deprivation of Right of Inheritance in Case of Divorce

The court may deprive a spouse of the right of inheritance if it is proved that the marriage with the decedent was actually terminated at least three years before the accrual of the inheritance, and the spouses lived separately.

Article 1503. Loss of Right of Inheritance in Consequence of Annulment of Marriage

The surviving spouse loses the right of inheritance if there were grounds for annulment of the marriage and the decedent brought a suit.

Article 1504. Right of Representation

(1) If the heir dies before the testator, successors stipulated in art.1500 par.(3) receive the inheritance share that pertains to the deceased heir, by virtue of representation.

(2) Representation triggers transfer of rights from the represented to the representatives.

(3) Representation of person whose inheritance was disclaimed, of the person that disclaimed the inheritance and of the unworthy heir is not allowed.

CHAPTER II COMPULSORY PORTION

Article 1505. Compulsory Portion

Regardless of the content of the will, the successors of first instance inherit a compulsory share, which must constitute at least a half of the share due to them by statutory succession (compulsory portion).

Article 1506. Rise of Claim to Compulsory Portion

The claim to the compulsory portion arises from the moment of inheritance accrual. Such claim devolves by inheritance.

Article 1507. Determination of Compulsory Portion

The entire amount of the compulsory portion is determined on the basis of the whole estate, including the property provided for performance of the legacy.

Article 1508. Determination of Compulsory Portion to Each Reserve Heir

In determining the compulsory portion of each heir, all statutory heirs, who would be called to inheritance if there were no will, shall be taken into consideration. The testamentary heirs are disregarded if they are not statutory heirs.

Article 1509. Effects of Disclaimer of Legacy

A person, who is entitled both to the compulsory portion and legacy, may demand the compulsory portion, provided that he disclaims the legacy. If he does not disclaim the legacy, he loses the right to the compulsory portion to the extent of the value of the legacy.

Article 1510. Allotment of Compulsory Portion from Non-Bequeathed Property

If the will does not exhaust the whole inheritance, the compulsory portion is allotted first out of the non-bequeathed property, and if this is not sufficient, it is replenished out of the devised property.

Article 1511. Claim for Replenishment

If the property bequeathed to a person entitled to the compulsory portion is less than half of the share which he would have received by statutory succession, he may demand compensation for the difference between the testamentary share received by him and the half of the share which he would have received by statutory succession.

Article 1512. Disclaimer of Compulsory Portion

(1) An heir entitled to the compulsory portion may reject it, without specifying in whose favor, but this does not entail the increase in the compulsory portions of other co-heirs. His share passes to the testamentary heirs proportionally.

(2) Acceptance or disclaimer of the compulsory portion must be effected within the period of time fixed for acceptance or disclaimer of the inheritance.

Article 1513. Deprivation of Compulsory Portion

(1) Deprivation of the title to the compulsory portion is possible under the circumstances that entail deprivation of the right of inheritance in general.

(2) Deprivation of the title to the compulsory portion may be carried out by the testator in his lifetime by a legal action.

(3) The court decision on deprivation of the title to compulsory portion comes into effect from the time of accrual of the inheritance. The same is valid, if the testator instituted the legal action during his lifetime, but the judgment was delivered after his death.

Article 1514. Passing of Compulsory Portion to Testamentary Heirs

The share of an heir deprived of the title to the compulsory portion passes to the testamentary heirs.

TITLE IV ESCHEAT

Article 1515. Passing of Heirless Property to State Treasury

(1) If there are neither statutory, nor testamentary heirs, or if none of the heirs has accepted the inheritance, or if all the heirs are deprived of the right of inheritance, the heirless property shall pass to the state treasury.

(2) The state receives the inheritance property by issuing an escheat certificate.

(3) The inheritance order and escheat property registration, as well as its devolution to state treasury are established by law.

TITLE V LEGAL REGIME OF HEIR

CHAPTER I ACCEPTANCE AND DISCLAIMER OF INHERITANCE

Article 1516. Acceptance of Inheritance

(1) The heir called to succession receives the inheritance, having the right to refuse it.

(2) An heir shall accept the inheritance regardless of whether he is a statutory or a testamentary heir.

(3) The inheritance is deemed accepted by the heir when he submits an application for acceptance of the inheritance to the notary's office at the place of inheritance accrual, or enters into possession or administration of the property.

(4) If the heir has actually entered into the possession of a part of the inheritance, it is deemed that he has accepted the inheritance in full, regardless of its nature and location.

Article 1517. Term for Acceptance of Inheritance

The inheritance must be accepted within six months from the day of its accrual.

Article 1518. Special Term for Acceptance of Inheritance

If the right to receive the inheritance arises when the other heirs do not accept the inheritance, then the inheritance must be accepted within the remaining time of the term fixed for acceptance of the inheritance, and if this time is shorter than three months, it is extended to three months.

Article 1519. Extension of Term for Acceptance of Inheritance

(1) The term fixed in art.1517 can be extended by the court to maximum 6 months. Upon the expiration of the term, the inheritance may be accepted without legal recourse if the other heirs who accept the inheritance accede to this.

(2) In the case specified by par.(1), the heir receives his portion in kind from what is left, and if transfer in kind is impossible, he will receive the monetary value of the remaining part of the property due to him.

Article 1520. Impermissibility to Dispose of Inheritance

The heir who has entered into possession or administration of the inheritance has no right to dispose of the inheritance before the expiry of the inheritance option term or before he obtains a certificate of the title to the inheritance.

Article 1521. Right to Proceeds Drawn before Bringing Action

If a testamentary heir did not know about the modification or revocation of will, or if a statutory heir who did not know about the existence of the will enters in the possession of the inheritance, or if statutory and testamentary heirs did not know about the existence of other statutory heirs of a prior class or about the existence of another will, they shall retain the proceeds drawn from the inheritance before the action was brought; they are also entitled to reclaim the entire capital invested by them in the inheritance.

Article 1522. Effects of Alienation of Certain Things from Inheritance

If in cases stipulated in art.1521, the things included in the inheritance are sold before bringing a suit, the sale shall be deemed valid and remain in force, and the proceeds drawn from the sale of the things pass to the effective heir.

Article 1523. Hereditary Transmission

(1) If an heir dies after the accrual of the inheritance but before the acceptance of inheritance, the right to his share in the inheritance passes to his heirs (hereditary transmission). The heirs of the deceased heir must accept the inheritance within the period of time remaining till the end of the term fixed for acceptance of the inheritance. If that period is shorter than three months, it shall be extended to three months.

(2) If the term specified in par.(1) expires, decedent's successors may be declared by the court as having accepted the succession if the court decides that the reasons for delay are well-founded.

(3) The right of heir to receive a part of inheritance as part of compulsory portion is not transferred to his heirs.

Article 1524. Consequences of Disclaimer of Inheritance by Hereditary Transmission

(1) Disclaimer of the inheritance devolving by hereditary transmission does not bar heir's right to receive the inheritance which was directly due to the deceased heir.

(2) In the event of disclaimer of the inheritance devolving by hereditary transmission, the property passes to the persons who were called to succession together with the deceased heirs.

Article 1525. Measures for Preservation of Estate

An heir is entitled to demand that measures for preservation of estate be taken, for which purpose a six-months' period shall be fixed as part of the general term fixed for acceptance of the inheritance.

Article 1526. Disclaimer of Inheritance

(1) An heir may disclaim an inheritance within 6 months from the date of inheritance. Accrual even if he has accepted inheritance by entering on the possession.

(2) The heir may disclaim an inheritance in favor of other statutory or testamentary heirs.

(3) It is not allowed to disclaim the inheritance in favor of the person who has been declared unworthy heir or disinherited by a direct testamentary disposition.

Article 1527. Impermissibility of Partial Acceptance of Inheritance

(1) Partial acceptance or partial disclaimer of the inheritance under any condition or for any period of time is not allowed.

(2) If an heir disclaims a part of the inheritance or stipulates any condition, it is deemed that he disclaims the inheritance.

Article 1528. Acceptance of Several Shares of Inheritance

(1) If, for different reasons, several shares of the inheritance are owed to an heir, he may accept only one share and disclaim another.

(2) If the call to succession is made for one and the same reason, the acceptance or the disclaim of a share is applicable to the other share too. The call to succession is deemed to have the same reason if the disposition is contained in different wills.

(3) If the testator left to his heir several shares of inheritance, he may authorize him through testamentary disposition to accept a share and disclaim another.

Article 1529. Disclaim of Part of Inheritance

An heir is entitled to disclaim a part of the inheritance, which belongs to him by right of accession, regardless of the remaining part of the inheritance.

Article 1530. Accession

If an heir disclaims the inheritance without declaring in whose favor he has done so, his share shall be added to the share of the statutory heirs called to legal succession (accession), and if the entire inheritance is distributed by will, his share shall be united with that of the testamentary heirs and distributed among them in proportion to their shares, unless the will provides otherwise.

Article 1531. Disclaimer of Inheritance by Sole Heir

If the heir who has disclaimed the inheritance is the sole heir of his class, the inheritance passes to the heirs of the next instance.

Article 1532. Disclaimer in Favor of Several Heirs

If an heir disclaims the inheritance in favor of several persons, he may specify the share of each of them. If there is no such disposition, his share is equally divided among the heirs in whose favor the disclaimer of the inheritance has been made.

Article 1533. Disclaimer of Inheritance in Favor of Heirs Called by Representation

Disclaimer of the inheritance in favor of those called by representation is allowed, provided that at the day of inheritance accrual the represented person, who would have been an heir to the decedent, is not living, or that the heir called by representation (in case of legal succession) is a testamentary heir.

Article 1534. Inadmissibility of Disclaimer of Inheritance by State's Representative

State representative is not entitled to disclaim the inheritance devolving to it.

Article 1535. Inadmissibility of disclaimer after submission of declaration to notary's office

The heir may not disclaim the inheritance after he submits a declaration of acceptance of the inheritance to the notary's office at the place of inheritance accrual.

Article 1536. Irrevocability of Disclaimer of Inheritance

- (1) The heir's declaration of disclaimer of the inheritance is irrevocable.
- (2) If the heir is incompetent or with limited capability, inheritance disclaim shall be made by court judgement.

Article 1537. Devolution of Right of Disclaimer

- (1) The right to disclaim the inheritance devolves by descent.
- (2) If the heir dies before the expiration of the term fixed for disclaimer of the inheritance, this term does not end until the expiration of the time remaining after the death of the heir.
- (3) Each heir of the deceased heir may disclaim only his portion.

Article 1538. Term for challenging the succession option

Acceptance or renunciation of the inheritance may be impugned within two months from the day when the interested person learnt about the existence of the appropriate grounds.

Article 1539. Term for Onset of Legal Effects of Acceptance of Inheritance

The legal effects of acceptance or disclaimer of the inheritance come into force from the time of inheritance accrual.

CHAPTER II

HEIRS' LIABILITY

Article 1540. Heirs' Liability to Creditors

(1) The heirs are bound to satisfy the claims of decedent's creditors in proportion to the share of each of them in the received assets.

(2) If the decedent was a joint debtor for the liabilities, which have passed to the heirs, they bear joint and several liability.

(3) The heirs who receive the compulsory portion are also liable for decedent's debts.

Article 1541. Burden of Proof

The heir must prove that the decedent's debts exceed the value of inheritance assets, except when there is an inventory of the inheritance taken by a notary.

Article 1542. Imposing of Debts upon Heirs

The testator may impose payment of a debt in full or in part upon one or several heirs.

Article 1543. Duty to Inform Creditors of Inheritance Accrual

The heirs are bound to inform decedent's creditors of the inheritance accrual, provided that they have knowledge of decedent's debts.

Article 1544. Term of Lodging Creditors' Claims

(1) The decedent's creditors must, within six months from the day when they obtain knowledge of inheritance accrual, lodge their claims against the heirs who have accepted the inheritance, regardless of the maturity of the claims.

(2) If the decedent's creditors did not know about the inheritance accrual, they must lodge the claims against the heirs within a year from the day when the claims fall mature.

(3) The creditors lose their claims if they fail to comply with the rules specified in par.(1) and (2).

Article 1545. Application of General Statute of Limitations

(1) The terms for lodging claims by the creditors does not cover claims for reimbursement of outlays incurred on care and treatment of the decedent during his last illness, payment of wages, funeral, protection and administration of the inheritance, as well as third parties' claims for acknowledgement of the ownership of property and claims of the property which belongs to them.

(2) The general statute of limitations shall apply to claims specified in par.(1).

Article 1546. Postponement of Fulfillment

If the creditor lodges a claim before maturity, the heir is entitled to postpone performance until it is due. Upon maturity, the creditor is entitled to demand performance within the general statute of limitations.

Article 1547. Precedence of Decedent's Creditors

In satisfaction of claims, the decedent's creditors take precedence over heir's creditors.

Article 1548. State's Liability

When the heirless property passes to the state, the latter is liable for decedent's debts in the same manner as an heir.

Article 1549. Effects of Inheritance Receipt by Creditor

If a decedent has bequeathed his property to the creditor, this cannot be deemed as set-off of the creditor's claim.

Article 1550. Satisfaction of Creditors

The heirs shall satisfy creditor's claims by lump sum payment, unless their agreement provides otherwise.

Article 1551. Expenses Made on Account of Inheritance Estate

Before partition of inheritance among heirs, claims for outlays for decedent's care and treatment during his last illness, funeral, protection and administration of the inheritance, execution of will, as well as the remuneration of testamentary executor or custodian of the inheritance shall be reimbursed from the inheritance estate. These debts shall be paid from inheritance prior to all other debts, including those secured by pledge.

CHAPTER III

PROTECTION OF INHERITANCE

Article 1552. Protection of Inheritance

For the purpose of protecting the interests of heirs, legatees or of public interests, the notary at the place of inheritance accrual, at the initiative of interested persons or of the executor of the will, or at his own initiative, takes the necessary measures to protect the inheritance until the term fixed for acceptance of the inheritance expires.

Article 1553. Notary's Duties regarding Protection of Inheritance

If the inheritance or a part of it is not at the place of inheritance accrual, the local notary assigns the notary at the place where the estate is located to take measures to protect this property.

Article 1554. Inventory of Inheritance Estate

For the purpose of protecting the estate, the notary takes the inventory of the inheritance and charges an heir or a custodian appointed by him with care for the estate, meanwhile taking measures to find the heirs who are not present at the place of inheritance accrual.

Article 1555. Appointment of Custodian

The notary appoints a custodian of the estate if the property requires management or if the heir's creditors lodge a claim. The custodian is not appointed if at least one heir has entered into possession of the inheritance or if an executor of the will has been appointed.

TITLE VI CONFIRMATION OF RIGHT OF INHERITANCE

Article 1556. Certificate of Inheritance

The persons acknowledged as heirs may demand that a certificate of inheritance be issued by the notary at the place of inheritance accrual.

Article 1557. Term for Issuance of Certificate of Inheritance

(1) The certificate of inheritance may be issued to the heirs at any time upon the expiration of six months from the day of inheritance accrual.

(2) The certificate of inheritance may be issued before the expiration of six months if the notary has information that there are no other heirs except those who demand the certificate.

Article 1558. Issue of Certificate of Heirship

(1) If there is no proof of existence of certain assets in the property of the deceased or the determination of these requires lingering operations and if the heirs demand only establishment of their status, a certificate of heirship may be issued.

(2) The certificate of heirship stipulates that it is not equivalent to a certificate of inheritance and may be used only for obtaining documents needed to prove the existence of assets constituting inheritance property; the certificate of inheritance shall be issued afterwards. The heirship can be proved only in case of acceptance of inheritance within the specified term; otherwise the heir is dismissed from inheritance by non-acceptance.

Article 1559. Issue of Certificate of Escheat

If there are no testamentary nor statutory heirs, the notary declares upon the request of the state agent that the inheritance is escheated and issues the certificate of escheat upon the expiration of the legal term for accepting the inheritance.

TITLE VII
PARTITION OF INHERITANCE

Article 1560. Essence

The partition of inheritance is done as agreed by the heirs after receiving the certificate of inheritance.

Article 1561. Determination of Procedure for Partition of Inheritance by Testator

The testator may establish by will the procedure for inheritance partition, in particular entrust the partition to a testamentary executor. The decision of the testamentary executor is not binding upon the heirs if it is obviously unfair. In that case, the division shall be made by a court decision.

Article 1562. Allotment of Share in Kind out of Inheritance

Each heir may demand that his share be allotted in kind either out of the movable or the immovable property, insofar as such allotment is possible, does not prejudice the economic destination and is not prohibited by law.

Article 1563. Suspension of Inheritance Partition

The heirs may agree, in written form, that the partition of property is suspended for an undetermined period of time.

Article 1564. Joint Ownership by Shares of Indivisible Property

Unless the agreement between all heirs who accept the inheritance provides otherwise, the property, the partition of which entails complete or partial loss of its economic destination, shall not be subject to partition and becomes joint property of the heirs according to their shares.

Article 1565. Partition of Agricultural Land

(1) If the owner of agricultural land where the farm is located has devised it to several heirs or if the will has not been made and there are several statutory heirs, then the agricultural land with the farm located on it may be divided among the heirs, provided that the piece of land given to each heir as a result of partition ensures the existence of a viable farm.

(2) The partition is permissible only if one of the heirs intends to establish and run his agricultural business. If none of the heirs wishes to establish his agricultural business, then, by their agreement, the land with the farm located on it may be sold and the heirs shall receive their shares in money.

Article 1566. Impermissibility of Partition of Agricultural Land

If the agricultural land cannot be divided, the land shall be given to the heir who lives at the farm and who ran the business together with the decedent; if there is no such heir, it shall be given to the heir who is capable and willing to run the business.

Article 1567. Compensation for Share

An heir who may not receive the piece of land shall receive the respective portion out of other property, and if the other property is insufficient, he shall receive the respective compensation according to the established procedure.

Article 1568. Share of Conceived Heir upon Partition of Property

If an heir is conceived but not born yet, the partition is permissible only after his birth, under the stipulations of art.1560. The other heirs are entitled to part the inheritance only after the separation of the conceived heir's share.

Article 1569. Imposition of Liabilities upon Heir

By agreement of the co-heirs, complete settlement of all liabilities may be imposed upon one of the heirs in exchange for a respectively increased share in the inheritance.

Article 1570. Pro rata Reduction of Share

If the total amount of all testamentary shares exceeds the inheritance, the share of each heir is reduced proportionally.

Article 1571. Settlement of Disputes in Partition of Estate

If the co-heirs fail to agree on partition of inheritance, the dispute shall be settled by court, which in parting the estate, must consider the nature of the property subject to partition, the occupation of each of the heirs, and other specific circumstances.

Article 1572. Termination of Preemption Right

The right of preemption on a share of inheritance terminates after the transfer of the share.

Article 1573. Satisfaction of Creditors in Case of Alienation of Share

In case of alienation of a share, the duty to satisfy creditor's claim passes to the acquirer in proportion to the acquired share.

Article 1574. Obligation to Determine Heir's Whereabouts

If the whereabouts of some heirs are unknown, the other heirs are bound to take reasonable measures to locate them and call them to succession.

Article 1575. Compensation by Installments

Upon the request of the heirs who have priority, the court is entitled, considering the amount of compensation, to allow its payment by installments but not more than within ten years.

