

The donation agreement of currency values for a large amount and real estate is concluded in writing and must be notarially certificated. When the notary certifies transactions, it also establishes the identity of the participants in civil relations, as well as the real intentions of each party and the absence of any objections to the terms of the transaction. The real intentions of each party to the transaction is done by establishing by a notary the same understanding of the parties of the meaning, terms of the transaction and its legal consequences for each party.

Today, the role of the donation agreement is growing rapidly and is widely used for the registration of property relations. Many organizations and people providing charitable support to social structures, conclude donation agreements providing for the specification of the purpose of the use of the object of the contract, in order to protect their own interests from unfair receivers. It should be noted that there aren't many fundamental researchers about donation as it is a fairly new institution. There are also a number of gaps related to the donation agreement in Civil Law of Ukraine, which should be studied deeper and needs a thorough research.

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DECLARING PHYSICAL PERSON'S DEATH BECAUSE OF MILITARY ACTIONS

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Introduction. The question of declaring a physical person dead, unfortunately, is currently relevant because of the full-scale invasion of Russia. A

large number of people have died in Ukraine as a result of military actions, but the fact of their death is not registered because of the lack of access by state authorities to populated areas where active combat is taking place or which are de facto occupied.

Ukrainian legislation. A physical person is declared dead from the date when of the court decision on this matter has come into force. The physical persons who have disappeared without a trace under circumstances that threatened their life or give grounds to assume their death from a certain accident or in connection with military action, armed conflict, may be declared dead from the day of their likely death (part 3 of article 46 of the Civil Code of Ukraine).

In addition, Article 46(2) of the Civil Code of Ukraine states that a physical person who has gone missing in connection with military actions, armed conflicts, may be declared dead by a court in two years from the end of the military actions. Taking into account the specific circumstances of the case, the court may declare a person dead before the expiration of this period, but not earlier than six months after it has elapsed. According to Article 46(4) of the Civil Code of Ukraine, the procedure for declaring a physical person dead is established by the Civil Procedure Code of Ukraine. The matter is that the current legislation in Ukraine states that when a person is declared dead legal consequences are as those in case of death: 1) this fact must be registered with the relevant authorities; 2) marriage with the person declared dead is terminated; 3) power of attorney is terminated; 4) obligations directly related to the person are terminated, as well as other personal legal relationships where succession is not allowed (such as agency agreements, commission agreements, property management agreements, etc.).

According to Article 1220 of the Civil Code of Ukraine, declaring a person dead opens an inheritance. However, the procedure for formalizing inheritance rights to the property of such persons is somewhat special. The heirs of a person declared dead by a court do not have the right to alienate immovable inherited property for five years.

Alternative jurisdiction. To resolve the issue of declaring a physical person dead, it is necessary to submit a statement to the court. The statement must be submitted to the court at the place of residence of the applicant or at the last place of residence of the physical person whose location is unknown, or at the location of their property (Article 305 of the Civil Procedure Code of Ukraine).

Procedure. In accordance with the requirements of Article 306 of the Civil Procedure Code of Ukraine, the statement must indicate: 1) the purpose of declaring the physical person deceased; 2) circumstances confirming the person's prolonged absence without a trace; 3) circumstances that made it possible to assume the person's death from a certain accident of a technological or physical nature; 4) circumstances that endangered the life of the person who disappeared without a trace.

The case in court is initiated by the applicant, who has a civil legal interest in changing the legal status of the citizen. Applicants may be citizens who need

this to exercise subjective civil rights or interests protected by law, as well as organizations. A civil process in the case may be initiated by of state authorities, trade unions, enterprises, institutions, organizations, and individual citizens if the above-mentioned change in the legal status of the citizen is necessary to protect the rights and interests of other persons that they are entitled to exercise. The case is considered with the participation of the applicant, witnesses indicated in the statement, and persons whom the court considers it necessary to interrogate.

Consequences. According to Article 47 of the Civil Code of Ukraine, declaring a physical person dead has the same legal consequences as the death of a person. That is, the inheritance is opened (Article 1220 of the Civil Code of Ukraine), a pension is granted to dependents, marital relations are terminated (Article 104 of the Family Code of Ukraine), representation under power of attorney issued by the deceased or by a person declared as deceased is terminated (Article 248 of the Civil Code of Ukraine).

According to the provision of part 2 of Article 308 of the Civil Procedure Code of Ukraine, the court decision declaring the physical person dead is the basis for the state registration authority to enter a record of the death of the physical person in the register of civil status acts, which is the basis for the termination of the legal capacity of such a person.

Conclusion. It should be noted that with the onset of hostilities in eastern Ukraine and then a full-scale war, there is a great need in legislative regulation of the issue of declaring a person dead in the area of the war. Such recognition has its specific characteristics, namely: the term during which a person can be declared dead (according to the general rule it is 3 years of his/her absence, and in connection with military operations or armed conflict it is 2 years); the application for the recognition of a person as deceased in the occupied territory may be submitted to the court at the discretion of the applicant; it is considered urgently in a separate proceeding; the legal consequences of absence are the same as when recognizing the person as dead in any other part of Ukraine. Thus, the establishment of the fact of death in the war zone today is unfortunately quite complicated because of many factors: imperfect legislation; frequent loss of documents that can confirm the right to file such an application, etc. That is why, it is paramount to know all the peculiarities of carrying out such a procedure, as well as being knowledgeable in legislation.

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