

THE ROLE OF THE NOTARY IN THE EXERCISE OF INHERITANCE RIGHTS

KHRYSTYNA HAVRYSHCHUK, student

SVITLANA SENYK, Associate Professor, PhD in Law, Scientific Adviser

NATALIYA O. HRYNYA, Associate Professor, PhD in Law, Language Adviser

Ivan Franko National University of Lviv

Introduction. The notary has a special place in the legal system of Ukraine, as it has a private-public nature and performs its functions within the scope of the exercise of rights by the participants in civil relations. Documents drawn up in the notarial procedure are official and must be recognized as beyond doubt. Under the legislation of Ukraine, inheritance relations are an essential component of civil turnover and they acquire the appropriate registration through the activity of a notary.

Objectives. The purpose of this work is to analyse the problem of protection of inheritance rights and identify the role of the notary in the exercise of inheritance rights.

Methods. In the course of the research, both general scientific and special methods of scientific knowledge have been used. The most used method are the methods of analysis and synthesis.

Results. In the implementation of inheritance rights, the role of the notary is primarily to ensure the transfer of the rights and obligations of the testator, which did not end with his death and may be the object of inheritance, to the heirs in the cases established by the current legislation of Ukraine. By performing notarial actions regarding registration of inheritance rights, the notary prevents any violation of the rights of the heirs.

Under Article 34 of the Statute of Ukraine "On Notaries", notary provides for such notarial actions as taking measures to protect inherited property; issuance of a certificate of the right to inheritance; certificate of the fact that an individual and legal entity is the executor of the will; announcement of a secret will [1].

Under Article 1283 of the Civil Code of Ukraine, protection of inherited property is carried out in the interests of the heirs, receivers and creditors of the testator in order to preserve it until the inheritance is accepted by the heirs or the court decision declaring the inheritance dead becomes legal [2].

The notary exercises a number of his powers regarding the protection of inheritance. The main action to be performed by the notary is the compilation of the description of the inherited property, which is carried out immediately after taking the necessary actions to ensure the protection and preservation of the inherited property. The conclusion of contracts with third parties, which are aimed at ensuring the protection of inherited property, is also an important action. The specified actions are components of notarial proceedings regarding taking measures to protect inherited property.

The notary takes measures to protect the inherited property in stages:

1) acceptance of a statement on taking measures to protect inherited property;

2) carrying out preparatory actions (requesting and obtaining all necessary documents, resolving the issue of attracting witnesses, the need to attract an expert or appraiser, etc.);

3) description of inherited property;

4) protection and storage of the described hereditary property.

The protection of the inherited property lasts until the end of the period established for the acceptance of the inheritance, or the entry into force of the court's decision to recognize the inheritance as dead .

The protection of the inherited property may continue after the expiration of six months from the day of the opening of the inheritance, if the notary receives a statement of consent to accept the inheritance from persons for whom the right of inheritance arises in the case of non-acceptance of the inheritance by other heirs, on the basis of the third part of Article 1270 of the Civil Code of Ukraine and if there are less than three months left before the expiration of the statutory six-month period for acceptance of inheritance.

Expenses for the protection of inherited property are reimbursed by the heirs in accordance with their share in the inheritance and in the case that the inheritance is recognized as dead by the local authorities which exercise the right of ownership the inheritance that has been recognized as dead [3].

Conclusion. To sum up, the notary occupies a prominent place in the protection of the inherited property from the abuse of third parties and the protection of the rights of the heirs. They must ensure the transfer of objects of inheritance from the testator to the heirs in their original state.

References:

1. Закон України «Про нотаріат» від 02.09.1993 URL: <https://zakon.rada.gov.ua/laws/show/3425-12#Text> (дата звернення: 16.01.2025).

2. Цивільний кодекс України від 16.01.2003 URL: <https://zakon.rada.gov.ua/laws/show/435-15#Text> (дата звернення: 16.01.2025).

3. Л.В. Кияниця: «Роль і значення функцій нотаріату в правовій системі України» від 06.10.2023 URL: <https://chasprava.com.ua/index.php/journal/article/view/982> (дата звернення: 16.01.2025).

4. Англо-український словник. URL: <https://www.lingvolive.com/en-us> (дата звернення: 17.01.2025).

UNION OF THE UKRAINIAN NATIONAL REPUBLIC AND THE WESTERN UKRAINIAN NATIONAL REPUBLIC INTO A SINGLE, UNITED UKRAINIAN STATE

OLEKSANDRA HNYDYK, student

ALLA I. RADU, Associate Professor, PhD in Philology, Scientific Adviser
Ivan Franko National University of Lviv

The unification of the Ukrainian People's Republic (UNR) and the Western Ukrainian People's Republic (WUNR) in 1919 was a significant event in the