

## **Summary of the doctoral thesis „*The legal nature of rulings concerning real estate in the non-contentious proceedings*”**

The main research problem of this doctoral dissertation is to distinguish characteristic features in analysed area of rulings concerning real estate in the non-contentious proceedings. Accordingly it is necessary to specify properties only adequate for decisions of the court of ruling on the merits of a case in the non-contentious proceedings concerning real estate. These cases distinguish from others, which are recognised in this procedure of examination of civil law cases. With the research problem outlined in this way, it seems justified distinguishing at the same time common characteristic features for all indicated non-contentious rulings and such properties, which refers to only specific groups of cases and to individual non-contentious proceedings concerning real estate. It will also allow to capture existing differences between individual rulings.

This dissertation has been divided into 8 chapters. Chapter 1 distinguishes non-contentious proceedings in cases concerning real estate from contentious proceedings. Then, classic and non-classic non-contentious proceedings were presented and their comparison was made with the civil contentious proceedings. The functions of rulings issuing in the non-contentious proceedings in the cases concerning real estate were also discussed. The characteristic features of rulings issuing in the non-contentious proceedings concerning real estate were presented by referring to theoretical concepts relating to all cases, which are included in this dissertation. The common features of rulings appropriate for a larger group of them were indicated in chapter 3.

In general the attention was paid to the differences applicable when issuing rulings in the division cases concerning real estate in the chapter 4. At the same time it discussed about common features of substantive rulings relating to: division of marital property upon termination of community property between spouses issuing in the non-contentious proceedings concerning real estate, dissolution of co-ownership concerning real estate and partition of estate concerning real estate. Besides the specific features appropriate only in relation to these three kinds of decisions of the court of ruling of a case were presented.

The attention was paid to the differences applicable when issuing rulings in the non-contentious proceedings concerning real estate in property law cases concerning real estate issuing in the non-contentious proceedings excluding dissolution of co-ownership concerning real estate in the chapter 5. The attention was paid to the differences applicable when issuing rulings in the non-contentious proceedings concerning real estate in cases within the subject

matter and scope of the law of succession issuing in the non-contentious proceedings excluding partition of estate concerning real estate in the chapter 6.

The attention was paid to the differences applicable when issuing rulings in the non-contentious proceedings concerning real estate in registration proceedings in the chapter 7. The differences applicable when issuing rulings in the non-contentious proceedings concerning real estate in establishing separate ownership of premises was discussed in the chapter 8. There is a special connection here, what is revealed between the division rulings and the entries in the land and mortgage register.

The current legal status was assessed and author proposed changes to the current regulation of Code of Civil Procedure or in the practice of applying the regulations of this legal act by formulating specific *de lege ferenda* demands in the conclusion. Methodology, detailed results of empirical research in the form of tables, charts and diagrams and conclusions formulated on the basis of court files, containing generalisations about all the cases is included as an attachment to this dissertation.