

Summary of a doctoral dissertation titled "*The legal status of the heirs of the debtor in the enforcement proceedings*"

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The dissertation is composed of five chapters preceded with an introduction.

The first chapter presents the issues concerning the legal status of the debtor's heirs. This chapter discusses the events that determine their legal position: the opening of the inheritance, the declaration of acceptance or rejection of the inheritance, and the procedure for the ascertainment of rights to inheritance (including the new institution of inheritance law, that is the act of succession certification). The occurrence of these events is a necessary condition for the emergence of the liability of the heirs of the debtor. Separate attention was paid to the issues of the function and purpose of obtaining these documents – from the point of view of the heirs of the debtor and the creditors of the succession.

The second chapter is devoted to the subject and rules of the liability of the heirs of the debtor in the light of substantive and procedural law. The concept of debts under the succession, and therefore, "for what" the heirs of the debtor are liable was discussed. The next points were devoted to the subject of their responsibility – assets. Due to the fact that under the relevant legislation, the possibility to satisfy the debts of the deceased was not limited to the estate left, the concept of assets was also discussed on the basis of rules of substantive law other than the right of inheritance: family law and contract law. A separate discussion was devoted to the procedural sense of the concept of assets – as a subject of enforcement. The next part of the work considers liability rules of the heirs of the debtor taking into account the occurring changes – depending on the stage of proceedings for the ascertainment of the acquisition and division of the inheritance. In the final part of the chapter, reference was made to the institution of the inventory and its significance both in light of the provisions of substantive law and procedural law. Other solutions known in the field of law of succession to protect the interests of the heirs of the debtor were also presented: the separation of assets,

liquidation of the estate and procedure of notifying the creditors. An outline of the draft of the amendment to the Civil Code and the Civil Procedures Code in terms of a model of responsibility for the debts under the succession was presented, as well.

The third chapter was devoted to the issue of these commitments of the testator which, at the time of opening of the inheritance, are covered by existing writ of execution issued against the deceased. A full catalogue of writs of execution provided by both the provisions of the Civil Procedure Code as well as other acts – primarily from the point of view of the possibility of designating them in the enforcement order against the debtor's heirs, was discussed. Additional attention was devoted to the role and participation of the creditor of the succession in clause proceedings.

Chapter four provides a detailed discussion of the legal status of the heirs of the debtor in enforcement proceedings in the broad sense. These considerations were carried out from the perspective of the principles that make up the right to sue seen as a right to procedural fairness, and having its source in art. 45, paragraph 1 of the Constitution. In the first instance, the discussed principles seen as limitations on that right (negative aspect) – and therefore, the principle of procedural formalism and issues concerning the costs of enforcement proceedings, taking into account the provisions of the Act of 29 August 1997 on Bailiffs and Execution (Journal of Laws of 2011, No. 231, item 1376, as amended – consolidated text) were considered. Subsequently, procedural rights of the parties that result from the principle of equality of the parties existing in the enforcement proceedings, including the right to be heard and the principle of equality of arms (positive aspect), were discussed.

The fifth chapter contains the author's conclusions

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