

INVENTORY PROCESS

Degree in Legal Studies (Solicitors)

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Code: 16910

Main Scientific Area: Legal Practice

Lecturer: Diana Isabel da Silva Leiras

Language of Instruction: Portuguese

Regime: S1

Contact Hours: 60h Total Workload: 108h

ECTS: 6,0

Objectives

Provide the students the necessary skills to be familiarized with the inventory process, its processing, rights and powers of each person.

Ability to assess, at each moment, the positions of the parties and the choices that each of them can afford.

Understanding of the practical connexion, between the Inventory Process and others areas of the Law (Sucession Law, Family Law and Executive Procedure).

Learning Outcomes

Familiarization with all the inventory process, its processing, rights and powers of the stackholders, knowing monitor and require the necessary at each moment.

Ability to assess, at each moment, the positiones of the parties and the choices that each of them can have, being able to requeira and pronounce.

Ability for relate the inventory process with others areas of the Law (Sucession Law, Family Law and Executive Procedure).

Course Contents

1 - Introduction

1.1. Legislative developments and current regulation framework

1.2 Law enforcement in the time

1.3 Function of the inventory process and regulatory provisions

2 - Procedural assumptions

2.1 Competence

2.2 Legitimacy to request and intervene

2.3 Judiciary sponsorship

- 3 - Incidents in inventory
 - 3.1 Applicable regime
 - 3.2 Intervention incident
 - 3.3 Active holders of inheritance charges
 - 3.4 Habilitation of interested parties
 - 3.5 Exercise of preemptive right
- 4 - Suspension of the instance and remittance to the common means
- 5 - Cumulation of inventories
- 6 - Process stages
- 7 - Resource regime
- 8 - Delivery of goods before transit of the homologatory sentence
- 9 - New partition
- 10 - Emendment and annulment of partition
- 11 - Composition of the share to the excluded heir
- 12 - Additional partition
- 13 - Responsibility of the costs
- 14 - Exequibility of certificates drawn from inventories
- 15 - Partition of assets in special cases
 - 15.1 Inventory as a result of absence justification
 - 15.2 Inventory as a result of separation, divorce, declaration of nullity or marriage annulment
 - 15.3 Inventory to separate assets in special cases
- 16 - Inventory notarial regime

Recommended Bibliography

CÂMARA, C., O Processo de Inventário Judicial e o Processo de Inventário Notarial, Coimbra, Almedina, 2021.

CARDOSO, A. Lopes, Partilhas Litigiosas, volumes I, II e III, Coimbra, Almedina, 2018;

ESPÍRITO SANTO, J., Inventário Judicial e Notarial, AAFDL Editora, Lisboa, 2021;

FERREIRINHA, F. Neto, Processo de Inventário, Coimbra, Almedina, 2014;

GERALDES, A. S. Abrantes (e outros), Código de Processo Civil anotado, vol. II, Processo de Execução, Processos Especiais e Processo de Inventário Judicial, Coimbra, Almedina, 2020;

LEIRAS, D., Casos Práticos. Elementos de Processo de Inventário. Modelos. Jurisprudência Seleccionada, Coimbra, Almedina, 2022.

PAIVA, E./CABRITA, H., Manual do Processo de Inventário à luz do Novo Regime, Coimbra, Coimbra, Editora, 2013;

RAMIÃO, T. D` Almeida, Novo Regime do Processo de Inventário Judicial e Notarial Anotado e Comentado, Lisboa, Quid Iuris, 2020;

REGO, C. Lopes, "A recapitulação do inventário", in Julgar online, dezembro 2019, disponível para consulta em <http://julgar.pt/wp-content/uploads/2019/12/20191216-ARTIGO-JULGAR-A-Recapitula%C3%A7%C3%A3o-do-Invent%C3%A1rio-revis%C3%A3o-Carlos-Lopes-do-Rego-v5.pdf>;

SOUSA, M. Teixeira de (e outros), O Novo Regime do Processo de Inventário e Outras Alterações na Legislação Processual Civil, Coimbra, Almedina, 2020.

Learning and Teaching Methods

The syllabus of point 1 assumes the purpose of presenting the curricular unit, insofar as they allow knowing and understanding the legislative developments of inventory process regime as well as the framing of this process in Civil Procedural Law; determine, in the context of successive reforms, what legal regime is applicable to a specific process, and understand each of the functions that the inventory process can fulfill, as well as the provisions that apply to each case.

The matters indicated of points 2 to 14 allow a detailed analysis of the process of inventory, from the moment the initial requirement is made until the sharing is carried out, and the other aspects related to process, namely, the incidents that can be deducted.

The matters contained of point 15, concerning the sharing of assets in special cases, make it possible to analyse the regime applicable to the inventory process that fulfills a function other than that of carrying out inheritance sharing, as, for example, in the case of sharing common assets of the couple following divorce. This analysis allows to consolidate the objective of understanding the connection between the Inventory Process and other domains of Law (Succession Law, Family Law and Executive Process).

The last point of the program, referring to the notary inventory regime, allow the familiarization with processing to the inventory process that runs its terms in notary office and not in court.

Assessment Methods

1. In the continuous and periodic evaluation, the evaluation is carried out:

Through two written tests, both performed in person and with weighting of 50% in the final grade;

A minimum score of 8.0 is required for each test (whole number, without rounding);

The tests dates will be announced by the Course Director on the E-learning platform/Moodle;

The student is approved if he obtains the medium of the marks obtained in each test (in accordance with their respective weightings) rating equal to or higher than 10.

2. Evaluation by final exams is conducted through written exams with 100% weighting. The student is approved if he obtains a rating equal to or higher than 10.

* Oral exams will not be performed.