

Application for Inheritance Adjudication

Category: Groud Control Procedures

Published: Thursday, 30 June 2016 13:08

Written by redpinar

Hits: 19016

In the case of the death of a small farmer, owner or usufructuary of a rustic property, those relatives with a filial degree, who consider themselves entitled to be recognized heirs as established by Decree-Law No. 125/91, must present themselves within 90 days after the death to claim their possible rights and a file is prepared which must contain the following documents:

- Affidavit, with stamp of \$ 5.00 MN, declaring the existence or not of other possible heirs and their address.
- Death certificate of the deceased.
- Birth certificate of all possible heirs, those registered by their own right are not admitted, or those whose data do not coincide with those of the deceased.
- Marriage certificate issued by the Civil Registry.
- Appraisal and inventory of land, agricultural goods and goods issued by the person in charge of this procedure.
- Certificate on the category of soil.
- Criterion of the Director of the agricultural company or legal person on the procedure if necessary.
- Certificate of Cadastre.
- Criterion of the President of the ANAP Municipal.
- Certification of the Bank on possible debts.
- Criterion of the Board of Directors of the CCS.
- Legal opinion of the Provincial and Municipal Director of Land Control and the Head of the Legal Department.
- If there is a contradiction between the agrarian authorities, submit the case to the consideration of the Provincial Commission of Agrarian Affairs and incorporate the Minutes into the File, with all the analyses carried out, and the discordant parties may not be absent.
- Results of the investigations carried out.
- Testimony of witnesses before a public official.
- Registry of process communicatio to all the presumed heirs, which

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when presented in writing will be accompanied by a stamp of \$ 5.00 MN.

- Criterion of the Delegate or the Director of Municipal Agriculture.
- The representations will be by contract of Services of the Collective Law Firm, the consultants will present resolution of the Minister of Justice that authorizes it.
- Resolution of the Delegate or Provincial Director of the Ministry of Agriculture, no application shall be accepted on the part of a co-owner who is alive nor shall any pronouncement be made on it, unless this condition is ratified.
- Registry of notification to all parties (who notifies, the date and name of the notified).
- The Registration File must be foliated, indexed, pressed and also have updated the sheet of formalities.
- Payment Registry in the ONAT.
- Registration Certificate.
- Upon the death of the usufructuary, an inheritance adjudication file is prepared for the inheritance of the agricultural goods that were the property and were in the possession of the deceased, which will be adjudicated to the person who fulfills the requirements established in article 18 of Decree-Law No. 125/91, if there are no heirs with the right to inherit, they are transmitted to the state patrimony.

The usufructuary who receives the agricultural goods shall be obliged to compensate the proportional value that would correspond to the person who does not receive the land in usufruct and meets the requirements of the aforementioned article 18.