

PART VII. LAW OF INHERITANCE

Article 527. Basis of inheritance

Inheritance is effected according to the statutory scheme or under a will.

Statutory inheritance takes place whenever, and to the extent that, it is not modified by a will.

If there are no statutory heirs or heirs under a will, or if all of the heirs fail to accept their shares, or if all statutory heirs have been disinherited by the testator, the property of the decedent passes to the state by right of inheritance.

Article 528. Time of the opening of a succession

The time of the opening of a succession is the date of death of the decedent or, in the case of a declaration that he is legally dead, the date indicated in paragraph 3 of Article 21 of this Code.

Article 529. Place of the opening of a succession

The place of the opening of a succession is the last permanent place of residence of the decedent (Article 17) or, if this is unknown, the place in which his property or the major part thereof is located.

Article 530. Citizens who may be heirs

The following may be heirs:

in the case of statutory inheritance, citizens who are alive at the time of the death of the decedent, as well as children of the decedent born after his death;

in the case of inheritance under a will, citizens alive at the time of the death of the decedent, as well as those conceived during his lifetime and born after his death.

Article 531. Citizens who do not have a right to inherit

Citizens have no right to inherit either according to the statutory scheme or under a will if they have promoted their inheritance through unlawful acts directed against the decedent or any of his heirs, or against the carrying out of his last will as expressed in testamentary form, provided that such circumstances are confirmed through a judicial proceeding.

Parents have no statutory right to inherit from children with respect to whom they have been deprived of parental rights if such rights have not been restored to them prior to the time of the opening of the succession, and the same applies to parents and children of full legal age who have fraudulently avoided the performance of a

duty to support the decedent imposed upon them by law, if this circumstance is confirmed through a judicial proceeding.

The rules in paragraph 1 of this Article also apply to the right to the benefit of a testamentary duty (Article 538).

Article 532. Statutory heirs

In the case of statutory inheritance, the following are heirs with equal shares:

First: children (including adopted children), spouse and parents (adoptive parents) of the decedent, as well as a child of the decedent born after his death;

Second: brothers and sisters of the decedent, and his paternal and maternal grandfathers and grandmothers.

Heirs of the second class have a statutory right to inherit only in the absence of heirs of the first class, or if the heirs of the first class fail to accept or if all heirs of the first class have been deprived by will of the right to inherit.

Statutory heirs include persons unable to work who were dependent upon the decedent for not less than one year prior to his death. If there are other heirs, such persons inherit equally with heirs of the class which receives the inheritance.

Grandchildren and great-grandchildren of the decedent are statutory heirs if their parent who would have been an heir is no longer alive at the time of the opening of the succession; they take by equal portions the statutory share which would have been due their deceased parent.

An adopted child and his descendants do not inherit upon the death of his parents, or of his blood relatives in ascending order, or of his blood brothers and sisters.

Parents of an adopted child and other blood relatives in ascending order, as well as blood brothers and sisters, do not inherit upon the death of the adopted child or of his descendants.

Article 533. Inheritance of household furnishings and articles

Ordinary household furnishings and articles pass to the statutory heirs who have lived with the decedent for not less than one year prior to his death, without regard to their class or statutory shares.

Article 534. Right of a citizen to dispose of his property at his discretion by will

Every citizen may by will leave all of his property or a part thereof (including ordinary household furnishings and articles) to one or more persons, who may be either statutory heirs or other persons, or to the state or to individual state cooperative or public organizations.

A testator may by his will disinherit one, several or all of his statutory heirs.

Article 535. Right to a compulsory share in an estate

Minor children (including adopted children) of the decedent inherit no less than 2/3 of their statutory share regardless of the contents of the decedent's will (compulsory share), as do any of the following who are unable to work: decedent's children, spouse, parents (adoptive parents) and those dependent on him. In determining the amount of a compulsory share, account is taken of the value of that part of the estate which consists of ordinary household furnishings and articles.

Article 536. Naming an alternate heir

A testator may indicate in his will another heir who is to take in the event a named heir dies prior to the opening of the succession or fails to accept his inheritance.

Article 537. Inheritance of property which remains undisposed of by will

That part of a testator's property which remains undisposed of by his will is divided among the statutory heirs who are called to inherit according to Articles 532 and 533 of this Code.

Included among such heirs are those statutory heirs to whom another portion of the property has been left by will, unless the will provides otherwise.

Article 538. Duty imposed on an heir

A testator may charge an heir under his will with the performance of any sort of obligation (testamentary duty) for the benefit of one or more persons (beneficiaries of a testamentary duty), who thereby acquire the right to demand its performance. Beneficiaries may be statutory heirs or other persons.

A testator may charge an heir to whom his house passes with the duty of providing another person with the use of the house or a certain part thereof for life. Upon a subsequent transfer of the right of ownership in the house or a part thereof, the right of use for life continues.

An heir who has been charged by a testator with the performance of a testamentary duty is only required to perform such duty within the limits of the actual value of the property which passes to him by inheritance, with a deduction of that share of the debts of the testator which he is required to bear.

If an heir under a will who has been charged with the performance of a testamentary duty has a right to a compulsory share

in the estate, he performs the testamentary duty only within the limits of the value of the inheritance which exceeds the amount of his compulsory share.

In the event a person who has been charged with the performance of a testamentary duty has died prior to the opening of the succession, or in the event he has refused to accept his inheritance, the obligation to perform the testamentary duty is transferred to the other heirs who receive his share.

Article 539. Charging an heir with the performance of acts for the general welfare

A testator may charge an heir with the performance of any acts directed toward the accomplishment of any purpose which promotes the general welfare. If these acts have financial value, the rules in Article 538 of this Code apply.

Article 540. Notarial form of a will

A will must be in written form, with an indication of the place and time at which it was drawn up, and must be personally signed by the testator and notarially certified.

Article 541. Wills which are equivalent to notarized wills

Equivalent to notarized wills are:

- 1) wills of military personnel which are certified by the commanders of their respective units;
- 2) wills of citizens on board ocean and river ships flying the flag of the USSR which are certified during the period of a voyage by the captain of the ship;
- 3) wills of citizens who are under treatment in infirmaries, hospitals, sanitariums and other in-patient medical institutions, as well as in invalid homes, which are certified by the chief or senior physician or the physician on duty;
- 4) wills of citizens who are on prospecting, arctic or other similar expeditions, which are certified by the head of the expedition.

Article 542. Signing of a will by another person

If a testator, because of physical defects or illness, or for other reasons, cannot personally sign his will, the will may at his request be signed by another citizen in the presence of a notary or other official person (Article 541), with an indication of the reasons for which the testator was unable to sign the will personally.

Article 543. Revocation and modification of a will

A testator may at any time modify or revoke a will which he has made by drawing up a new will.

A prior will is revoked by a subsequent will, either in full or to the extent that the prior will is inconsistent with the subsequent will.

A testator may likewise revoke a will by giving a declaration to a notarial office.

Article 544. Execution of a will

The carrying out of a will is entrusted to the heirs named in the will.

A testator may authorize the execution of his will by a person who is not an heir named in the will (executor). In such a case, consent of the executor is required, as expressed by him either in an endorsement on the will itself or in a declaration attached to the will.

Article 545. Powers of an executor

An executor has the right to do all acts necessary for the execution of a will.

An executor receives no remuneration for his acts in executing a will, but he has a right to reimbursement from the estate for all necessary expenditures which he has made in the conservation and management of the estate property.

Upon completion of the execution of a will, the executor must, upon demand of the heirs, furnish them with an accounting.

Article 546. Acceptance of an inheritance

In order to acquire an inheritance an heir must accept it. Conditional acceptance of an inheritance or acceptance with reservations is not permitted.

An heir is deemed to have accepted an inheritance if he takes actual possession of the inherited property or if he presents a declaration of his acceptance of the inheritance to the notarial office at the place of the opening of the succession.

The acts indicated in this Article must be performed within six months after the opening of the succession.

Persons with a right to inherit only in the case of a non-acceptance of an inheritance by other persons may declare their consent to accept the inheritance within the remaining portion of the period for accepting the inheritance, but if such portion is less than three months, it is extended to three months.

An inheritance which has been accepted is deemed to belong to the heir from the time of the opening of the succession.

Article 547. Extension of the period for accepting an inheritance

The period for accepting an inheritance established in Article 546 of this Code may be extended by a court if the court finds valid

reasons for such an extension. An inheritance may be accepted after expiration of the period indicated above, and without appeal to a court, if there is consent on the part of all of the other heirs who have accepted.

In such cases, an heir who has allowed the period for accepting his inheritance to expire receives only so much of the property due him as has been retained in kind by the other heirs or the state after distribution to them, together with any money obtained through the sale of the remainder of the property due him.

Article 548. Transfer of the right to accept an inheritance

If a statutory heir or an heir under a will dies within the established period (Article 546) after the opening of the succession before having accepted his inheritance, the right to accept his share passes to his heirs.

This right of a deceased heir may be exercised by his heirs in accordance with the general provisions within the remaining portion of the period for accepting inheritances. If the remaining portion of the period is less than three months, it is extended to three months.

Article 549. Rights of an heir who enters into possession or undertakes the management of estate property prior to the appearance of other heirs

An heir who enters into possession or undertakes the management of estate property with the expectation that no other heirs will appear may not dispose of (sell, pledge, etc.) such property until six months after the opening of the succession or until he receives a certificate of the right to inherit.

Prior to expiration of the period indicated above or to receipt of a certificate of the right to inherit, the heir may make only the following disbursements from such property:

- 1) to cover expenditures for care of the decedent during his illness, as well as for his funeral;
- 2) to support citizens dependent upon the decedent;
- 3) to satisfy claims for wages and other equivalent claims;
- 4) to preserve the estate property and to manage it.

Article 550. Refusal of an inheritance

A statutory heir or an heir under a will may refuse an inheritance within six months of the date of the opening of the succession. In so doing, he may state that he is refusing his inheritance for the benefit of other persons who are statutory heirs (Article 532) or heirs under the will (Article 534), or for the benefit of the state or a particular state, cooperative or public organization.

A refusal of an inheritance without an indication of the person for whose benefit the heir is refusing it has the same effect as a failure to accept an inheritance.

Refusal of an inheritance is not permitted if an heir has presented to the notarial office at the place of the opening of the succession a declaration of his acceptance of the inheritance or concerning the issuance to him of a certificate of the right to inherit.

Refusal of an inheritance is accomplished through presentation by an heir of a declaration to the notarial office at the place of the opening of the succession.

Article 551. Augmentation of shares in an estate

In the event a statutory heir or an heir under a will fails to accept an inheritance or an heir is disinherited by a testator, the share of such heir in the estate passes to the statutory heirs and is distributed among them in equal shares.

If a testator has by will left all of his property to named heirs, the share in the estate left to an heir who does not take his share passes to the remaining heirs under the will and is distributed among them in equal shares.

The rules in this Article do not apply to cases in which an heir refuses an inheritance in favor of another heir, the state or a state, cooperative or public organization (Article 550), or in which there is a named alternate for such heir (Article 536).

Article 552. Inheritance of estate property by the state

Property in an estate passes by right of inheritance to the state:

- 1) if the property has been left by will to the state;
- 2) if the decedent has no statutory heirs or heirs under his will;
- 3) if all heirs have been disinherited by the will;
- 4) if none of the heirs has accepted his inheritance (Articles 546 and 550).

If any of the heirs refuses his inheritance in favor of the state, the share of the estate to which such heir is entitled passes to the state.

If, in the absence of statutory heirs, only a part of the property of an estate has been disposed of by will, the remaining part passes to the state.

In cases specified in this Article, any copyright which is part of an estate, or any share in author's remuneration due thereunder to an heir who has refused his inheritance, is terminated.

Article 553. Liability of an heir for debts of the decedent

An heir who accepts an inheritance is liable for the debts of the decedent within the limits of the actual value of the property which passes to him. The state is liable on the same basis with respect to property passing to it in the manner indicated in Article 552 of this Code.

Article 554. Procedure for presenting claims by creditors

Creditors of a decedent may, within six months of the date of the opening of a succession, present their claims to the heirs who have accepted, or to the executor, or to the notarial office at the place of the opening of the succession, or they may bring an action in court against the estate property.

Claims are to be presented without regard to whether the performance demanded is due.

A failure to observe these rules causes a creditor to lose the right to assert his claim.

Article 555. Protection of estate property

The notarial office at the place of the opening of a succession, or, in localities in which there is no notarial office, the executive committee of the local Soviet of Workers' Deputies, takes measures to protect estate property, if such measures are necessary in the interest of the state, the heirs, the heirs charged with testamentary duties or creditors.

Protection of the estate property continues until acceptance of the inheritance by all of the heirs or, if the inheritance is not accepted, until expiration of the period established for accepting it.

Article 556. Appointment of a conservator or tutor for the property of an estate

If an estate contains property which requires management (a house, etc.), or if suit is brought by the creditors of a decedent prior to acceptance of the inheritance by the heirs, the notarial office appoints a conservator for the property, or, in localities in which there is no notarial office, the executive committee of the local Soviet of Workers' Deputies appoints a tutor for such property.

Article 557. Issuance of a certificate of the right to inherit

Heirs entitled to inherit may request the notarial office at the place of the opening of the succession to issue to them a certificate of the right to inherit.

A certificate of the right to inherit is issued in the same manner when property in an estate passes to the state (Article 552).

Article 558. Time for the issuance of a certificate of the right to inherit

A certificate of the right to inherit is issued to heirs after six months from the date of the opening of a succession.

With respect both to statutory inheritance and to inheritance under a will, such a certificate may be issued prior to six months from the date of the opening of a succession if the notarial office has information that no heirs exist aside from those persons who have applied for issuance of the certificate.

A certificate of the right of the state to inherit is issued no earlier than six months from the date of the opening of a succession.

Article 559. Division of the property of an estate

The division of the property of an estate is carried out by agreement of the heirs who have accepted in accordance with the shares due each of them. If no agreement is reached, the division is carried out through a judicial proceeding.

If there is a conceived but as yet unborn heir, the heirs may carry out a division of the estate property only if they set aside the share to which the unborn heir is entitled. A representative of the guardianship organization must be invited to participate in the division for protection of the interests of the unborn heir.

Article 560. Inheritance in a collective-farm household

In the event of the death of a member of a collective-farm (individual peasant) household, no inheritance of household property occurs.

If no other members of the household remain after the death of a member of a collective-farm (individual peasant) household, the rules in this Part apply to the household property.

Article 561. Instructions of a depositor with respect to his deposit in the event of his death

A citizen who has a deposit in a state labor savings bank or in the State Bank of the USSR has a right to give instructions to the savings bank or the State Bank regarding payment of the deposit to some person or to the state in the event of his death.

In such cases the deposit is not included in the estate property, and the rules in this Part do not apply to it.

Procedures for the disposition of deposits in state savings banks and in the State Bank of the USSR on special instructions of depositors in the event of death are determined by the charters of these credit institutions and by rules published in the prescribed manner.

If a depositor has not given instructions to a savings bank or the State Bank, in the event of his death the deposit passes to his heirs on the general grounds under the rules in this Part.