CIVIL CODE
456
THE OPENING OF THE SUCCESSION
The succession is opened at the time of death in the place of the deceased's last place of residence.

CIVIL CODE
457
DEVOLUTION OF THE INHERITANCE
The estate is devolved by law or by will.
Legitimate succession does not take place unless when testamentary succession is lacking in whole or in part.
Testamentary dispositions must not affect the rights reserved by law for the legitimates.

CIVIL CODE
458
PROHIBITION OF AGREEMENTS ON INHERITANCE
Without prejudice to the provisions of Articles 768-bis et seq. (i.e., family agreement as the agreement whereby, subject to the provisions on family business and in compliance with the different types of company, the entrepreneur transfers, in whole or in part, the business, and the holder of shares in the company transfers, in whole or in part, his shares to one or more descendants) any agreement by which anyone disposes of his succession is null and void. Likewise, any act by which someone disposes of or renounces the rights to which he may be entitled on a succession that has not yet opened is null and void.

CIVIL CODE
459
ACQUISITION OF THE INHERITANCE
The inheritance is acquired by acceptance.
The effect of acceptance dates back to the time when the succession was opened.

CIVIL CODE
460
POWERS OF THE SUCCESSOR BEFORE ACCEPTANCE
The successor may exercise possessory actions to protect the property of the estate, without the need for material apprehension. He may also perform acts of conservatorship, supervision and temporary administration, and he may be authorized by the court to sell property that cannot be preserved or whose preservation involves serious expense.
The successor may not perform the acts indicated in the preceding paragraphs when a receiver of the estate has been appointed pursuant to ART528.

CIVIL CODE
461
REIMBURSEMENT OF THE EXPENSES SUSTAINED BY THE SUCCESSOR
If the successor renounces the inheritance, the expenses sustained for the acts indicated in the preceding ARTare borne by the estate.

CIVIL CODE
462
CAPACITY OF NATURAL PERSONS
All those who are born or conceived at the time of the opening of the succession are capable of succession.
Unless proven otherwise, he/she is presumed to have been conceived at the time of the opening of the succession whoever was born within three hundred days of the death of the person whose succession is involved.
Children of a particular person living at the time of the testator's death, although not yet conceived, can also receive by will.

CIVIL CODE
463
CASES OF UNWORTHINESS
Excluded from succession as unworthy is:
1) one who has willfully killed or attempted to kill the person whose succession is in question, or the spouse, or a descendant, or an ascendant of the same, provided that none of the causes that exclude punishability under the criminal law applies;
2) one who has committed, to the detriment of one of such persons, an act to which the [Criminal] Law (1) declares the provisions on murder applicable;
3) Whoever has denounced one of such persons for a crime punishable by life imprisonment or imprisonment for a term of not less in the minimum term than three years, if the denunciation has been declared slanderous in criminal court; or who has testified against the same persons accused of the aforesaid crimes, if the testimony has been declared, with respect to him, false in criminal court;
3-bis) Who, having been forfeited from parental authority in respect of the person whose succession is involved, has not been reinstated in parental authority on the date of the opening of the succession of the same.
4) Whoever has maliciously or violently induced the person, whose succession is at issue, to make, revoke or change the will, or has prevented him from doing so;
5) who has suppressed, concealed or altered the will by which the succession would be governed;
6) who has formed a false will or knowingly made use of it.

CIVIL CODE
463-bis
SUSPENSION FROM THE SUCCESSION
A spouse, including a legally separated spouse, as well as the party to the civil union investigated for the voluntary or attempted murder of the other spouse or the other party to the civil union shall be suspended from the succession until the decree of dismissal or final acquittal. In such case, a curator shall be appointed pursuant to ART528. In the case of conviction or application for punishment at the request of the parties, the person responsible is excluded from succession pursuant to ART463 of this Code.
The provisions of the first paragraph also apply in cases of a person being investigated for voluntary or attempted murder against

one or both parents, brother or sister.
The prosecutor, consistent with the requirements of secrecy of the investigation, without delay notifies the clerk's office of the court in the district in which the succession was opened of the fact that it has been entered in the register of criminal records, for the purpose of suspension under this Article.

CIVIL CODE
464
RESTITUTION OF FRUITS
The unworthy person is obliged to return the fruits received after the opening of the succession.

CIVIL CODE
465
UNWORTHINESS OF THE PARENT
One who is excluded by indignity from the succession does not have on the property thereof which is devolved to his children, the rights of usufruct or administration which the law grants to parents.

CIVIL CODE
466
REHABILITATION OF THE UNWORTHY
A person who has incurred indignity is admitted to succession when the person, whose succession is involved, has expressly enabled him to do so by public deed or will.
However, the unworthy person who is not expressly authorized, if he was contemplated in the will when the testator knew the cause of the unworthiness, is admitted to succession within the limits of the testamentary provision.

CIVIL CODE
467
NOTION
Representation causes descendants to succeed to the place and degree of their ascendant in all cases in which the ascendant is unable or unwilling to accept the inheritance or legacy.
There is representation in testamentary succession when the testator has not provided for the case in which the person instituted cannot or will not accept the inheritance or legacy, and provided that it is not a legacy of usufruct or other right of a personal nature.

CIVIL CODE
468
SUBJECTS
Representation takes place, in the direct line, in favor of the descendants of the children, including adopted children, and, in the collateral line, in favor of the descendants of the brothers and sisters of the deceased.
Descendants may succeed by representation even if they have renounced the inheritance of the person in whose place they succeed, or are incapable or unworthy of succeeding in respect of that person.

CIVIL CODE
469
EXTENSION OF THE RIGHT OF REPRESENTATION. DIVISION.
Representation takes place in infinity, be the degree of descendants and their number in each lineage equal or unequal.
Representation also takes place in the case of unicity of lineage.
When there is representation, division takes place by lineages.
If a lineage has produced several branches, the division takes place by lineages also in each branch, and by heads among the members of the same branch.

CIVIL CODE
470
PURE AND SIMPLE ACCEPTANCE AND ACCEPTANCE WITH BENEFIT OF INVENTORY
The inheritance may be accepted purely and simply or with the benefit of inventory.
Acceptance with the benefit of inventory may be made notwithstanding any prohibition of the testator.

CIVIL CODE
471
INHERITANCES DEVOLVED TO MINORS OR INTERDICTS
Inheritances devolved to minors and interdicts can not be accepted except with the benefit of inventory.

CIVIL CODE
472
INHERITANCES DEVOLVED TO EMANCIPATED MINORS OR INCAPACITATED PERSONS
Emancipated minors and incapacitated persons can not accept inheritances except with the benefit of inventory, observing the provisions of ART394.

CIVIL CODE
473
INHERITANCES DEVOLVED TO LEGAL PERSONS OR TO UNRECOGNIZED ASSOCIATIONS, FOUNDATIONS AND BODIES
The acceptance of inheritances devolved to legal persons or to associations, foundations and unrecognized entities is made only with the benefit of inventory.
This article does not apply to corporations.

CIVIL CODE
474
WAYS OF ACCEPTANCE
Acceptance may be explicit or tacit.

CIVIL CODE
475
EXPLICIT ACCEPTANCE
Acceptance is explicit when in a public deed or private writing, the successor has declared acceptance or has assumed the title of heir.
A declaration of acceptance under condition or term is null and void.

Likewise, a declaration of partial acceptance of inheritance is void.

CIVIL CODE
476
TACIT ACCEPTANCE
Acceptance is tacit when the successor performs an act which necessarily presupposes his willingness to accept and which he would not have the right to do but in the capacity of heir.

CIVIL CODE
477
DONATION, SALE AND ASSIGNMENT OF INHERITANCE RIGHTS
The donation, sale or assignment, which the successor makes of his or her rights of succession to a stranger or to all or any of the other persons called, constitute acceptance of the estate.

CIVIL CODE
478
WAIVER IMPORTING ACCEPTANCE
Waiver of rights of inheritance, when made for consideration or in favor of some only of the successor, constitutes acceptance.

CIVIL CODE
479
TRANSMISSION OF THE RIGHT OF ACCEPTANCE
If the successor dies without having accepted it, the right of acceptance is transmitted to the heirs.
If they do not agree to accept or waiver, the one who accepts the inheritance acquires all rights and is subject to all burdens of inheritance, while the one who has waivered, remains outside it.
The waiver of the inheritance proper to the transmitter includes a waiver of the inheritance devolving on him.

CIVIL CODE
480
PRESCRIPTION
The right to accept the inheritance is prescribed in ten years.
The term runs from the day of the opening of the succession and, in the case of conditional institution, from the day on which the condition occurs. In the case of judicial ascertainment of filiation, the term runs from the date on which the judgment establishing filiation becomes final.
The term does not run for further successors, if there has been acceptance by previous successors and subsequently their inheritance acquisition has ceased.

CIVIL CODE
481
TIME LIMIT FOR ACCEPTANCE
Any person having an interest can request that the court set a time limit within which the successor shall declare whether he accepts or waives the inheritance. After this period has elapsed without his having made the declaration, the successor loses the right to

accept.

CIVIL CODE
482
APPEAL ON THE GROUND OF VIOLENCE OR FRAUD
Acceptance of inheritance can be challenged when it is the effect of violence or fraud.
The action prescribes in five years from the day the violence ceased or the malice was discovered.

CIVIL CODE
483
APPEAL ON THE GROUND OF MISTAKE
Acceptance of inheritance cannot be challenged if vitiated by mistake.
However, if a will is discovered of which there was no knowledge at the time of acceptance, the heir is not obliged to satisfy the legacies written therein beyond the value of the inheritance, or with prejudice to the legitimate portion due to him. If the inherited properties are insufficient to satisfy such legacies, the legacies written in other wills are also reduced proportionately. If some legatees have already been satisfied in full, an action of recovery is given against them.
The burden of proving the value of the inheritance is on the heir.

CIVIL CODE
484
ACCEPTANCE WITH THE BENEFIT OF INVENTORY
Acceptance with the benefit of inventory is made by declaration, received by a notary or the clerk of the court in the district in which the succession was opened, and entered in the register of successions kept in the same court.
Within one month of the entry, the declaration must be transcribed by the clerk of the court in the place where the succession was opened.
The declaration must be preceded or followed by the inventory, in the form prescribed by the Code of Civil Procedure.
If the inventory is made before the declaration, the register must also mention the date on which it was made.
If the inventory is made after the declaration, the public officer who made the inventory shall, within one month, have the date on which it was made entered in the register.

CIVIL CODE
485
SUCCESSOR IN POSSESSION OF PROPERTY
The successor when in any capacity he is in possession of hereditary property, must make the inventory within three months from the day of the opening of the succession or the notice of the devolution of the estate. If within this period he has begun it but has been unable to complete it, he may obtain from the court of the place where the succession opened an extension, which, except in serious circumstances, shall not exceed three months.
After this period has elapsed without the inventory having been

completed, the successor is considered the heir pure and simple.
Once the inventory has been completed, the successor who has not yet made the declaration pursuant to ART484 has a period of forty days from the date of the completion of the inventory to deliberate whether he accepts or renounces the inheritance. After this period has elapsed without his having deliberated, he shall be considered heir pure and simple.

CIVIL CODE
486
POWERS
During the time limits established in the preceding ARTto take inventory and to deliberate, the successor, in addition to exercising the powers indicated in ART460, can stand in court as a defendant to represent the inheritance
If he fails to appear, the court appoints a curator to represent the inheritance in court.

CIVIL CODE
487
SUCCESSOR WHO IS NOT IN POSSESSION OF PROPERTY
A successor who is not in possession of property of the inheritance can make a declaration to accept with the benefit of inventory, as long as the right to accept is not prescribed.
When he or she has made the declaration, he or she must take inventory within three months of the declaration, unless an extension is granted by the court pursuant to ART485; failing which, he or she is considered a pure and simple heir.
When he has made the inventory not preceded by a declaration of acceptance, the latter must be made within forty days after the completion of the inventory; failing which the called party loses the right to accept the estate.

CIVIL CODE
488
DECLARATION IN CASE OF TERM SET BY THE JUDICIAL AUTHORITY.
The successor who is not in possession of property of the estate, if a term is assigned to him pursuant to ART481, must, within that term, also make an inventory; if he makes the declaration and not the inventory, he is considered a heir pure and simple.
The judicial authority can grant a deferral.

CIVIL CODE
489
INCAPACITATED
Minors, interdicts and incapacitated persons are not deemed to have forfeited the benefit of the inventory, except upon the completion of one year from the age of majority or the termination of the state of interdiction or incapacitation, if they have not complied with the rules of this section within that period.

CIVIL CODE
490
EFFECT OF BENEFIT OF INVENTORY

The effect of the benefit of inventory consists in keeping the estate of the deceased separate from that of the heir.
Consequently:
1) the heir retains toward the estate all the rights and all the obligations he had toward the deceased, except those which have been extinguished by death;
2) the heir is not obligated to pay the debts of the estate and bequests beyond the value of the property received by him.
3) creditors of the estate and legatees have preference over the assets of the estate before the heir's creditors. They shall not, however, be dispensed from applying for the separation of property, in accordance with the provisions of the following chapter, if they wish to retain this preference even in the event that the heir lapses or renounces the benefit of inventory.

CIVIL CODE
491
RESPONSIBILITY OF THE HEIR IN ADMINISTRATION
The heir with benefit of inventory is not liable for the administration of the estate except for gross negligence.

CIVIL CODE
492
SECURITY
If creditors or others having an interest so require, the heir must give suitable security for the value of movable property included in the inventory, for the fruits of real estate, and for the price of the same that exceeds the payment of mortgage creditors.

CIVIL CODE
493
ALIENATION OF INHERITED PROPERTY WITHOUT AUTHORISATION
The heir forfeits the benefit of inventory if he alienates or subjects to pledge or mortgage hereditary property, or transacts with respect to such property without judicial authorization and without observing the forms prescribed by the Code of Civil Procedure.
For movable property, the authorization is not necessary after five years have elapsed since the declaration of acceptance with benefit of inventory.

CIVIL CODE
494
OMISSIONS OR INFIDELITY IN THE INVENTORY
An heir who has omitted in bad faith to report in the inventory property belonging to the estate, or who has reported in bad faith, in the inventory itself, liabilities that do not exist, shall be forfeited from the benefit of the inventory.

CIVIL CODE
495
PAYMENT OF CREDITORS AND LEGATEES
After one month has elapsed from the transcription provided for in ART484 or from the annotation provided for in the same ARTfor the

case that the inventory is subsequent to the declaration, the heir, when creditors or legatees do not object and he does not intend to promote the liquidation in accordance with ART503, pays creditors and legatees to the extent that they arise, without prejudice to their potiority rights.
Having exhausted the estate, creditors who remain unsatisfied have only the right of recourse against legatees, even if of a specific thing belonging to the testator, to the extent of the value of the legacy.
This right is time-barred in three years from the day of the last payment unless the claim is previously time-barred.

CIVIL CODE
496
RETURN ON ACCOUNT
The heir is obligated to render an account of his administration to creditors and legatees, who may have a term assigned to the heir.

CIVIL CODE
497
DELAY IN RENDERING THE ACCOUNT
The heir can not be compelled to pay with his own property, except when he has been constituted in default to present the account and has not yet fulfilled this obligation.
After the liquidation of the account, he can not be compelled to pay with his own property except to the extent of the sums he owes.

CIVIL CODE
498
LIQUIDATION OF THE INHERITANCE IN CASE OF OPPOSITION
If within the time limit specified in ART495 he has been notified of opposition by creditors or legatees, the heir can not make payments, but must settle the estate in the interest of all creditors and legatees.
For this purpose he must, not later than one month from the service of the opposition, by means of a notary in the place of the open succession, invite creditors and legatees to submit, within a time limit set by the notary and not less than thirty days, statements of claim.
The invitation is sent by registered mail to the creditors and legatees whose domicile or residence is known and is published in the legal notice sheet of the province.

CIVIL CODE
499
LIQUIDATION PROCEDURE
Once the term within which statements of claim must be filed has expired, the heir with the assistance of the notary public, liquidates the inherited assets by having the necessary alienations authorized. If the alienation relates to property subject to a lien or mortgage, the liens are not extinguished, and the mortgages are not cancelled until the purchaser deposits the price in the manner determined by the court or pays the creditors placed in the state of graduation provided for in the following paragraph.

The heir forms, again with the assistance of the notary, the state of graduation. Creditors are ranked according to their respective rights of pre-emption. They are preferred to legatees. Among creditors not entitled to preemption, the inherited assets are distributed in proportion to their respective claims.
If, in order to satisfy the creditors, it is necessary to include in the liquidation also the object of a legatee of specie, on the sum remaining after the payment of the creditors the legatee of specie is preferred over the other legatees.

CIVIL CODE
500
TERM FOR LIQUIDATION
The judicial authority, on the request of any of the creditors or legatees, may assign a term to the heir to liquidate the inherited assets and to form the state of graduation.

CIVIL CODE
501
CLAIMS
Upon completion of the state of graduation, the notary gives notice by registered mail to the creditors and legatees whose domicile or residence is known, and arranges for the publication of an extract of the state in the province's legal notice sheet. (1) After thirty days have elapsed without complaint from the date of this publication, the state of graduation becomes final.

CIVIL CODE
502
PAYMENT OF CREDITORS AND LEGATEES
Once the graduation status has become final or the judgment ruling on the claims has become final, the heir satisfies creditors and legatees in accordance with the same status. This constitutes an enforceable title against the heir.
The placement of conditional claims does not prevent the payment of later creditors, provided they give security.
Creditors and legatees who have not appeared have an action against the heir only to the extent of the amount remaining after payment of creditors and legatees placed in the state of graduation. This action prescribes in three years from the day on which the status became final or the judgment pronouncing on the claims became final, unless the claim is previously prescribed.

CIVIL CODE
503
LIQUIDATION INITIATED BY THE HEIR.
Even when there is no opposition by creditors or legatees, the heir may make use of the liquidation procedure provided for in the preceding articles.
Payment made to preferential or mortgage creditors does not prevent the heir from availing himself of this procedure.

CIVIL CODE
504

LIQUIDATION IN CASE OF MULTIPLE HEIRS
If there is more than one heir with the benefit of inventory, each can promote the liquidation; but he must invite his co-heirs before the notary within the term that the notary has established for the declaration of claims. Coheirs who do not appear are represented in the liquidation by the notary public.

CIVIL CODE
505
FORFEITURE OF BENEFIT
The heir, who, in case of opposition, does not observe the rules established in ART498 or does not complete the liquidation or graduation status within the term established in ART500, forfeits the benefit of inventory.
Similarly, an heir who, in the case provided for in ART503, after the invitation to creditors to submit statements of claim, makes payments before the liquidation procedure is finalized or fails to observe the time limit set for him under ART500 forfeits the benefit of inventory.
Forfeiture does not occur when it concerns payments to preferential or mortgage creditors.
In any case, forfeiture of the benefit of inventory can be asserted only by the deceased's creditors and legatees.

CIVIL CODE
506
INDIVIDUAL PROCEDURES
After the publication prescribed in the third paragraph of ART498 has been carried out, no enforcement procedures may be instituted at the instance of creditors. However, those in progress can be continued, but the part of the price remaining after the payment of preferential and mortgage creditors must be distributed according to the graduation status provided for in ART499.
Time-bound claims become due. The benefit of the time limit remains, however, when the claim is secured by collateral on assets the alienation of which is not necessary for the purposes of liquidation, and the collateral is capable of ensuring the full satisfaction of the claim.
From the date of publication of the invitation to creditors provided for in Art. 498(3) the running of interest on unsecured claims is suspended. The creditors are however entitled, after the liquidation has been completed, to the payment of interest on any residual amount.

CIVIL CODE
507
RELEASE OF PROPERTY TO CREDITORS AND LEGATEES
The heir, not later than one month after the expiration of the time limit set for submitting statements of claim, if he has not carried out any act of liquidation, may release all the property of the estate for the benefit of creditors and legatees.
For this purpose, the heir must, in the forms specified in ART498, give notice to creditors and legatees whose domicile or residence is known; he must enter the declaration of release in the register of

inheritances, record it, in the margin of the transcript prescribed in the second paragraph of ART484, and transcribe it in the offices of the land registers of the places where the hereditary property is located and in the offices where movable property is registered. From the time the declaration of release is transcribed, acts of disposition of the hereditary property performed by the heir are without effect with respect to creditors and legatees.
The heir must deliver the property to the liquidator appointed in accordance with the rules of the following article. Upon delivery, he is released from all liability for the debts of the estate.

CIVIL CODE
508
APPOINTMENT OF THE LIQUIDATOR
Once the declaration of release has been transcribed, the court of the place where the succession was open, at the request of the heir or one of the creditors or legatees, or even ex officio, appoints a liquidator so that he or she may provide for the liquidation in accordance with the rules of Articles 498 et seq.
The decree appointing the liquidator is entered in the register of successions.
The assets remaining, after the expenses of the liquidator have been paid and the creditors and legatees placed in the state of graduation have been satisfied, accrue to the heir, subject to the action of the creditors and legatees, who have not appeared, within the limits determined by the third paragraph of ART502.

CIVIL CODE
509
LIQUIDATION CONTINUED AT THE INSTANCE OF CREDITORS OR LEGATEES.
If, after the expiration of the time limit set for submitting statements of claim, the heir incurs the forfeiture of the benefit of inventory, but none of the creditors or legatees asserts it, the court of the place of the open succession, upon the petition of one of the creditors or legatees, after hearing the heir and those who have submitted statements of claim, appoints a liquidator with the task of providing for the liquidation of the estate in accordance with the rules of Articles 499 et seq. After the liquidator has been appointed, forfeiture of the benefit can no longer be enforced.
The decree appointing the liquidator is entered in the register of inheritances, noted in the margin of the transcript prescribed by the second paragraph of ART484, and transcribed in the offices of the land registers of the places where the hereditary property is located and in the offices where movable property is registered.
The heir loses the administration of the property and is obliged to hand it over to the administrator. The acts of disposition that the heir makes after transcribing the decree appointing the liquidator are without effect with respect to creditors and legatees.

CIVIL CODE
510
ACCEPTANCE OR INVENTORY MADE BY ONE OF THE SUCCESSORS
An acceptance with benefit of inventory made by one of the successors benefits all the others, even if the inventory is made by

a called one other than the one who made the declaration.

CIVIL CODE
511
EXPENSES
The expenses of sealing, inventory and any other act dependent on acceptance with benefit of inventory are borne by the inheritance.

CIVIL CODE
512
OBJECT OF SEPARATION
The separation of the deceased's property from that of the heir ensures the satisfaction, with the deceased's property, of his creditors and legatees who have exercised it in preference to the heir's creditors.
The right to separation also accrues to creditors or legatees who have other security over the deceased's property.
Separation does not prevent creditors and legatees who have exercised it from also being satisfied on the heir's own property.

CIVIL CODE
513
SEPARATION AGAINST LEGATEES OF SPECIES
Creditors of the deceased can exercise separation also with respect to property that is the subject of legatees of specie.

CIVIL CODE
514
RELATIONS BETWEEN SEPARATING AND NON-SEPARATING CREDITORS
Creditors and legatees who have exercised separation have the right to be satisfied on the separated property in preference to creditors and legatees who have not exercised it, when the value of the non-separated portion of the estate would have been sufficient to satisfy the non-separated creditors and legatees.
Outside this case, non-separating creditors and legatees may compete with those who have exercised separation; but, if part of the estate has not been separated the value of this is added to the price of the separated property to determine how much would be due to each of the competitors, and is then considered to have been attributed in full to the non-separating creditors and legatees.
When separation is exercised by creditors and legatees, creditors are preferred over legatees. Preference is also given, in the case provided for in the preceding paragraph, to non-separating creditors before separating legatees.
In all cases, causes of preemption remain unaffected.

CIVIL CODE
515
TERMINATION OF SEPARATION.
The heir can prevent or cause the separation to cease by paying creditors and legatees, and giving security for the payment of those whose right is suspended by condition or subject to term or is disputed.

CIVIL CODE
516
TERM FOR EXERCISING THE RIGHT OF SEPARATION
The right to separation must be exercised within the period of three months from the opening of the succession.

CIVIL CODE
517
SEPARATION CONCERNING MOVABLE RIGHTS.
The right to separation with respect to furniture is exercised by court application.
The application is made by petition to the court of the place of the open succession, which orders an inventory, if it has not yet been made, and makes the necessary provisions for the preservation of the same.
With respect to furniture already alienated by the heir, the right to separation includes only the price not yet paid.

CIVIL CODE
518
SEPARATION CONCERNING REAL PROPERTY
With respect to real property and other property capable of being mortgaged, the right to separation is exercised by the registration of the claim or legacy over each of the same property. The inscription is made in the manner established for inscribing mortgages, stating the name of the deceased and that of the heir, if known, and stating that the inscription itself is taken by way of separation of property. The title need not be produced for such an inscription.
Entries by way of separation, even if made at different times, all take the rank of the first and prevail over transcripts and entries against the heir or legatee, even if earlier.
The rules on mortgages apply to inscriptions by way of separation.

CIVIL CODE
519
DECLARATION OF WAIVER
Waiver of inheritance is made by declaration, received by a notary or the clerk of the court of the district (1) in which the succession was opened, and entered in the register of inheritances.
A waiver made gratuitously in favor of all those to whom the waiverer's share would have devolved does not take effect until, by any of the parties, the forms specified in the preceding paragraph are observed.

CIVIL CODE
520
CONDITIONAL, TERM OR PARTIAL WAIVER
A waiver made under condition or term or only in part is void.

CIVIL CODE
521
RETROACTIVITY OF THE WAIVER
A person who renounces the inheritance is considered as if he had

never been called to it.
However, the renouncer may retain the donation or claim the legacy made to him up to the amount of the available portion, subject to the provisions of Articles 551 and 552.

CIVIL CODE
522
DEVOLUTION IN LEGITIMATE SUCCESSIONS.
In legitimate successions, the portion of one who renounces accrues to those who would have concurred with the renouncer, subject to the right of representation and subject to the provisions of the last paragraph of ART571. If the renouncer is alone, the inheritance devolves to those to whom it would devolve in the event that he were absent.

CIVIL CODE
523
DEVOLUTION IN TESTAMENTARY SUCCESSIONS.
In testamentary successions, if the testator has not provided for a substitution and if the right of representation does not take place, the renouncer's share accrues to the co-heirs in accordance with ART674, or devolves to the legal heirs in accordance with ART677.

CIVIL CODE
524
APPEAL OF WAIVER BY CREDITORS.
If any person waives, albeit without fraud, an inheritance to the detriment of his creditors, the creditors may have themselves authorized to accept the inheritance in the name and place of the renouncer, for the sole purpose of satisfying themselves on the inherited property to the extent of their claims.
The right of creditors prescribes in five years from the date of renunciation.

CIVIL CODE
525
REVOCATION OF WAIVER
As long as the right to accept the inheritance is not prescribed against those called who have renounced it, they can always accept it, if it has not already been acquired by another of the called parties, without prejudice to the claims acquired by third parties over the property of the estate.

CIVIL CODE
526
APPEAL ON THE GROUND OF VIOLENCE OR FRAUD
A waiver of inheritance can be challenged only if it is the effect of violence or fraud.
The action prescribes in five years from the day on which the violence ceased or the fraud was discovered.

CIVIL CODE
527
MISAPPROPRIATION OF HEREDITARY ASSETS

The successor who have subtracted or concealed property pertaining to the inheritance forfeit the right to renounce it and are considered pure and simple heirs notwithstanding their renunciation.

CIVIL CODE
528
APPOINTMENT OF THE ADMINISTRATOR
When the person called has not accepted the inheritance and is not in possession of any property of the estate, the court of the district in which the succession was opened, upon the application of the persons concerned or even ex officio, has to appoint an administrator.
The decree appointing the curator, by the clerk, is published as an extract in the province's legal notice sheet and entered in the register of inheritances.

CIVIL CODE
529
DUTIES OF THE ADMINISTRATOR
The administrator is obliged to take an inventory of the estate, exercise and promote its claims, respond to petitions brought against it, administer it, deposit with the post office cashiers or with a credit institution designated by the court the money that is in the estate or is withdrawn from the sale of furniture or real estate, and, lastly, account for its administration.

CIVIL CODE
530
PAYMENT OF INHERITANCE DEBTS
The administrator provides for the payment of the debts of the inheritance and legacies, subject to the authorization of the court. If, however, any of the creditors or legatees opposes, the curator cannot make any payment, but must provide for the liquidation of the inheritance in accordance with the rules of Articles 498 et seq.

CIVIL CODE
531
INVENTORY, ADMINISTRATION AND RETURN OF ACCOUNTS
The provisions of Section II of Chapter V of this title, which concern inventory, administration, and rendering of accounts by the heir with benefit of inventory, are common to the administrator of the estate, excluding the limitation of liability for fault.

CIVIL CODE
532
TERMINATION OF ADMINISTRATION BY ACCEPTANCE OF INHERITANCE
The liquidator terminates his duties when the estate has been accepted.

CIVIL CODE
533
NOTION
The heir can claim recognition of his or her hereditary status against anyone who possesses all or part of the hereditary property

as heir or without any title whatsoever, for the purpose of obtaining the restitution of such property.
The action is imprescriptible, subject to the effects of usucaption with respect to individual assets.

CIVIL CODE
534
RIGHTS OF THIRD PARTIES
The heir can also take action against successors in title from those who possess as heirs or without title.
The rights acquired, as a result of agreements for consideration with the heir apparent, by third parties who prove that they bargained in good faith are not affected.
The provision of the preceding paragraph does not apply to real property and movable property entered in public registers, if the purchase by title of heir and the purchase from the heir apparent have not been transcribed prior to the transcription of the purchase by the heir or the true legatee, or the transcription of the court application against the heir apparent.

CIVIL CODE
535
POSSESSOR OF HEREDITARY PROPERTY
The provisions on possession also apply to the possessor of hereditary property, as regards the return of fruits, expenses, improvements and additions.
The possessor in good faith, who has alienated also in good faith a thing of the estate, is only obliged to return to the heir the price or consideration received. If the price or consideration is still due, the heir succeeds to the right to obtain it.
A bona fide possessor is one who has acquired possession of the hereditary property, mistakenly believing himself to be an heir. Good faith does not benefit if the mistake depends on gross negligence.

CIVIL CODE
536
LEGITIMARIES
Persons in whose favor the law reserves a share of inheritance or other rights in the succession are: spouse, children, ascendants.
Adopted children are equated with children.
In favor of the descendants of , who come to the succession in their stead, the law reserves the same rights that are reserved for children.

CIVIL CODE
537
SHARE IN FAVOR OF CHILDREN
Except as provided in ART542, if the parent leaves a single child, one-half of the estate is reserved for the child.
If there are more children, the two-thirds share are reserved for them, to be divided equally among all the children.

CIVIL CODE

540
SHARE IN FAVOR OF THE SPOUSE
One-half of the property of the other spouse is reserved in favor of the spouse, subject to the provisions of ART542 for the case of concurrence with children.
To the spouse, even when concurring with other named persons, are reserved the rights of habitation over the house used as a family residence and the rights of use over the furniture accompanying it, if owned by the deceased or jointly owned. These rights rest on the disposable portion and, if this is insufficient, for the remainder on the spouse's reserved share and, if necessary, on the share reserved for the children.

CIVIL CODE
542
CONCURRENCE OF SPOUSE AND CHILDREN
If the person who dies leaves, in addition to his spouse, only one child, the latter has one-third of the estate reserved for him and another one-third belongs to the spouse.
When the children, are more than one, half of the estate is reserved for them in total and the spouse is entitled to one-fourth of the deceased's estate. The division among all children, is made in equal parts.

CIVIL CODE
544
CONCURRENCE OF ASCENDANTS AND SPOUSE
When the person who dies leaves no children, but ascendants and the spouse, one-half of the estate is reserved for the latter, and one-fourth for the ascendants.
In the case of a plurality of ascendants, the reserve share allocated to them under the preceding paragraph is divided among them according to the criteria provided for in ART569.

CIVIL CODE
548
SHARE IN FAVOR OF THE SEPARATING SPOUSE
The spouse who has not been charged with separation by a final judgment, pursuant to the second paragraph of ART151, shall have the same inheritance rights as the non-separated spouse.
A spouse who has been charged with separation by a final judgment is entitled only to an allowance for life if he or she enjoyed alimony from the deceased spouse at the time of the opening of the succession. The allowance shall be commensurate with the substance of the estate and the quality and number of legitimate heirs, and shall not, in any case, be greater than the amount of alimony enjoyed. The same provision shall apply in cases where the separation has been charged to both spouses.

CIVIL CODE
549
PROHIBITION OF WEIGHTS OR CONDITIONS ON THE SHARE OF LEGITIMATES
The testator may not impose weights or conditions on the share due to the legitimates except for the application of the rules contained

in Title IV of this book.

CIVIL CODE
550
EGACY IN EXCESS OF THE DISPOSABLE PORTION
When the testator disposes of a usufruct or life annuity whose income exceeds that of the disposable portion, the legitimates, who have been assigned the bare ownership of the disposable portion or part of it, have the choice either to execute this disposition or to relinquish the bare ownership of the disposable portion. In the latter case, the legatee, by achieving the abandoned disposable, does not acquire the status of heir.
The legitimates have the same choice when the testator has disposed of the bare ownership of a portion in excess of the available portion.
If there are more legitimates, the agreement of all is required for the testamentary disposition to be executed.
The same rules also apply if of the usufruct, annuity or bare property was disposed of by gift.

CIVIL CODE
551
LEGACIES IN LIEU OF LEGITIMACY
If a legatee is left a legacy in lieu of the legitimacy he can waiver the legacy and claim the legitimacy.
If he prefers to attain the legacy, he loses the right to ask for a supplement, in case the value of the legacy is less than that of the legitimacy, and he does not acquire the quality of heir. This provision does not apply when the testator has expressly granted the legatee, the right to request the supplement.
The legacy in lieu of the legitimacy is borne by the unavailable portion. If, however, the value of the legacy exceeds that of the legitimacy due to the legitimary, for the excess the legacy is borne by the available portion.

CIVIL CODE
552
DONATIONS AND LEGACIES ON BEHALF OF LEGITIMACY
The legitimary who waivers the inheritance, when there is no representation, may on the disposable portion retain the donations or achieve the legacies made to him; but when there has been no express dispensation from imputation, if in order to supplement the legitimacy due to the heirs it is necessary to reduce the testamentary dispositions or donations, the allocations, made by the testator on the disposable portion which would not be subject to reduction if the legitimary accepted the inheritance, remain unaffected, and the donations and legacies made to him are reduced.

CIVIL CODE
553
REDUCTION OF THE PORTIONS OF LEGITIMATE HEIRS IN CONCURRENCE WITH LEGITIMARIES
When on the property left by the deceased all or part of the legitimate succession is opened, in the concurrence of legitimates

with other successors, the portions that would be due to the latter are reduced proportionately to the extent necessary to supplement the share reserved for the legitimates, who, however, must impute to this, pursuant to ART564, what they have received from the deceased by virtue of donations or legacies.

CIVIL CODE
554
REDUCTION OF TESTAMENTARY DISPOSITIONS
Testamentary dispositions in excess of the share that the deceased could dispose of are subject to reduction within the limits of that share.

CIVIL CODE
555
REDUCTION OF DONATIONS
Donations, the value of which exceeds the share that the deceased could dispose of, are subject to reduction up to the same share. Donations are reduced only after the value of the property disposed of in the will has been exhausted.

CIVIL CODE
556
DETERMINATION OF THE DISPOSABLE PORTION
In order to determine the amount of the portion that the deceased was entitled to dispose of, a mass is formed of all the property that belonged to the deceased at the time of his death, deducting his debts. The assets that were disposed of by way of gift are then fictitiously combined, according to their value determined in accordance with the rules dictated in Articles 747 to 750, and on the estate thus formed the share that the deceased was entitled to dispose of is calculated.

CIVIL CODE
557
SUBJECTS ENTITLED TO CAILM THE REDUCTION
Reduction of donations and dispositions detrimental to the portion of legitimacy can only be requested by the legitimates and their heirs or successors in title.
They may not waive this right as long as the donor lives, either by express declaration or by assenting to the donation.
Donors and legatees can not ask for reduction or take advantage of it. Neither can the creditors of the deceased ask for it nor take advantage of it, if the legatee entitled to the reduction has accepted with the benefit of inventory.

CIVIL CODE
558
MODALITIES TO REDUCE TESTAMENTARY DISPOSITIONS
Reduction of testamentary dispositions is done proportionally without distinguishing between heirs and legatees.
If the testator has declared that one of his dispositions is to take effect in preference to the others, this disposition is reduced except to the extent that the value of the others is insufficient to

supplement the share reserved for the legitimates.

CIVIL CODE
559
MODALITIES TO REDUCE DONATIONS
Donations are reduced commencing with the last and gradually ascending to the preceding ones.

CIVIL CODE
560
REDUCTION OF LEGACY OR DONATION OF REAL PROPERTY
When the object of the legacy or donation to be reduced is real estate, the reduction is made by separating from the real property itself the part needed to supplement the reserved share, if this can be done conveniently.
If the separation cannot be done conveniently and the legatee or donee has in the real property a surplus greater than one-fourth of the available portion, the real property must be left in full in the inheritance, subject to the right to obtain the value of the available portion. If the surplus does not exceed one-fourth, the legatee or donee may retain all of the property, compensating the legitimates in money.
The legatee or donee who is a legitimary may retain all of the property, provided that the value of the property does not exceed the amount of the available portion and the share he is entitled to as a legitimary.

CIVIL CODE
561
RESTITUTION OF REAL PROPERTY
Real property returned as a result of the reduction is free from any burdens or mortgages with which the legatee or donee may have encumbered it, subject to the provisions of No. 8 of article 2652 (i.d., claims for reduction of donations and testamentary dispositions for breach of legitimate proportion must be transcribed and if the transcription is carried out after ten years from the opening of the succession, the judgement granting the application does not affect third parties who have acquired rights for consideration on the basis of a deed trascribed or registered prior to the transcription of the claim). The burdens and mortgages remain effective if the reduction is requested after twenty years from the transcription of the donation, except in this case the obligation of the donee to compensate in money the legitimates by reason of the consequent lower value of the property, provided that the request was made within ten years from the opening of the succession. The same provisions apply to furniture registered in public records. The fruits are due from the day of the court application.

CIVIL CODE
562
INSOLVENCY OF THE DONEE SUBJECT TO REDUCTION
If the donated property has perished for reasons attributable to the donee or his successors in title, or if the restitution of the donated property cannot be claimed against the purchaser, and the

donee is wholly or partially insolvent, the value of the donation that cannot be recovered from the donee is deducted from the estate, but the claims of the legitimated and prior donees against the insolvent donee are not affected

CIVIL CODE
563
ACTION AGAINST SUCCESSORS BY DONEES SUBJECT TO REDUCTION
f the donees against whom the reduction has been pronounced have alienated the donated real estate to third parties and twenty years have not elapsed since the transcription of the donation, the legitimary, subject to the execution of the donee's property, may ask the subsequent purchasers, in the manner and order in which it could be asked of the donees themselves, for the restitution of the real property.
The action to obtain restitution must be brought in the order of the date of the alienations, beginning with the last one. Against third-party purchasers the restitution of the movable property, the object of the donation, may also be claimed within the term referred to in subsection 1, subject to the effects of possession in good faith.
The third party purchaser may release itself from the obligation to return the donated property in kind by paying the equivalent in money.
Without prejudice to the provisions of number 8) of ART2652, the lapse of the time limit referred to in the first paragraph and that referred to in the first paragraph of article 561 is suspended with respect to the donor's spouse and relatives in the direct line who have served and transcribed, with respect to the donee and his successors in title, an extrajudicial deed of opposition to the donation. The opposing party's right is personal and renounceable. The opposition loses its effect if it is not renewed before twenty years have elapsed since its transcription.

CIVIL CODE
564
REQUIREMENTS FOR THE REDUCTION ACTION
A legitimatee who has not accepted the inheritance with the benefit of inventory may not request the reduction of donations and legacies, unless the donations and legacies were made to persons named as co-heirs, even though they have renounced the inheritance. This provision does not apply to the heir who has accepted with the benefit of inventory and who has forfeited it.
In any case, the legitimary, who applies for the reduction of donations or testamentary dispositions, must impute to his or her legitimate portion the donations and legacies made to him or her, unless he or she has been expressly dispensed from them.
A legitimary who succeeds by representation must also impute donations and legacies made, without express dispensation, to his ascendant.
The dispensation has no effect to the detriment of prior donees.

CIVIL CODE
565
CATEGORIES OF SUCCESSORS

In the legitimate succession, the inheritance devolves to the spouse, descendants, ascendants, collaterals, other relatives and the State in the order and according to the rules established in this title.

CIVIL CODE
ARTICLE 566
SUCCESSION OF CHILDREN
The father and mother are succeeded by the children, in equal shares.

CIVIL CODE
567
SUCCESSION OF ADOPTED CHILDREN
Adoptive children is equated with children.
Adoptive children are outside the succession of the adoptive's relatives.

CIVIL CODE
568
SUCCESSION OF PARENTS
A person who dies without leaving children, nor brothers or sisters or their descendants, is succeeded by his father and mother in equal portions, or by the surviving parent.

CIVIL CODE
569
SUCCESSION OF ASCENDANTS
To one who dies without leaving children, nor parents, nor brothers or sisters or their descendants, the ascendants of the paternal line is succeeded in one half and the ascendants of the maternal line in the other half.
If, however, the ascendants are not of equal rank, the inheritance devolves to the nearest without distinction of line.

CIVIL CODE
570
SUCCESSION OF BROTHERS AND SISTERS
A person who dies without leaving children, parents or other ascendants is succeeded by his brothers and sisters in equal shares.
Unilateral brothers and sisters, however, attain half of the share attained by the germans.

CIVIL CODE
571
CONCURRENCE OF PARENTS OR ASCENDANTS WITH BROTHERS AND SISTERS
If with the parents or with only one of them there are concurrent germane brothers and sisters of the deceased, all are admitted to the succession of the same by heads, provided that in no case the share, in which the parents or one of them succeed, is less than half.
If there are unilateral siblings, each of them gets one-half of the share which each of the germane or parents gets, subject in any case to the share of one-half in favor of the latter.

If both parents are unable or unwilling to come to the succession and there are additional ascendants, the share that would have accrued to one of the parents in the absence of the other is devolved to the latter in the manner determined by article 569.

CIVIL CODE
572
SUCCESSION OF OTHER RELATIVES
If any person dies without leaving children, nor parents, nor other ascendants, nor brothers or sisters or their descendants, the succession is opened in favor of the next of kin or relatives, without distinction of line.
Succession does not take place among relatives beyond the sixth degree.

CIVIL CODE
573
SUCCESSION OF CHILDREN BORN OUT OF WEDLOCK
The provisions concerning the succession of children born out of wedlock apply when filiation has been recognized or judicially declared, except as provided in article 580.

CIVIL CODE
577
SUCCESSION OF A NATURAL CHILD TO THE IMMEDIATE LEGAL ASCENDANT OF HIS PARENT
The natural child succeeds to the immediate legitimate ascendant of his parent who cannot or will not accept the inheritance, if the ascendant leaves no spouse, no descendants or ascendants, no brothers or sisters or their descendants, and no other legitimate relatives within the third degree.

CIVIL CODE
580
RIGHTS OF CHILDREN BORN OUT OF WEDLOCK WHO ARE NOT RECOGNIZABLE
Children born out of wedlock who are entitled to maintenance, education and upbringing, in accordance with article 279, are entitled to a life allowance equal to the amount of the annuity of the share of the inheritance to which they would be entitled if the filiation had been declared or recognized.
Children born out of wedlock are entitled to obtain upon their request the capitalization of the allowance to which they are entitled under the preceding paragraph, either in money or, at the choice of the legal heirs, in hereditary property.

CIVIL CODE
581
CONCURRENCE OF SPOUSE WITH CHILDREN
When children are concurrent with the spouse, the spouse is entitled to one-half of the estate, if only one child is concurrent with the succession, and to one-third in other cases.

CIVIL CODE
582

CONCURRENCE OF SPOUSE WITH ASCENDANTS, BROTHERS AND SISTERS
Two-thirds of the estate shall devolve upon the spouse if he or she concurs with ascendants or with brothers and sisters, even if unilateral, or with each other. In the latter case, the remaining part is devolved to the ascendants, brothers and sisters, according to the provisions of article 571, except in all cases to the ascendants the right to one-fourth of the inheritance.

CIVIL CODE
583
SUCCESSION OF THE SPOUSE ALONE
In the absence of children, ascendants, brothers or sisters, the entire inheritance is devolved to the spouse.

CIVIL CODE
584
SUCCESSION OF PUTATIVE SPOUSE
When the marriage has been declared null and void after the death of one of the spouses, the surviving bona fide spouse is entitled to the share allocated to the spouse by the preceding provisions. The provision of the second paragraph of article 540 also apply.
He/she is excluded from the succession, however, when the person whose inheritance is involved is bound by valid marriage at the time of death.

CIVIL CODE
585
SUCCESSION OF THE SEPARATING SPOUSE
A spouse who has not been charged with separation by a final judgment has the same inheritance rights as an unseparated spouse.
In the event that the spouse has been charged with separation by a final judgment, the provisions of the second paragraph of article 548 apply.

CIVIL CODE
586
ACQUISITION OF PROPERTY BY THE STATE
In the absence of other successors, the inheritance is devolved to the State. The acquisition takes place as of right without the need for acceptance, and there is no waiver.
The State is not liable for inheritance debts and legacies beyond the value of the acquired property.

CIVIL CODE
587
WILL
A will is a revocable act by which someone disposes, for the time he have ceased to live, of all or part of his substance.
Dispositions of a non-property nature, which the law permits to be contained in a will, are effective, if they are contained in a deed having the form of a will, even if provisions of a property nature are lacking.

CIVIL CODE

588
UNIVERSAL AND INDIVIDUAL PROVISIONS
Testamentary dispositions, whatever the expression or name used by the testator, are universal in title and confer the status of heir if they include the universality or a share of the testator's property. Other dispositions are of a particular title and confer the status of legatee.
The indication of specific property or a complex of property does not exclude that the disposition is universal in title, when it appears that the testator intended to assign those properties as a share of the estate.

CIVIL CODE
589
JOINT OR RECIPROCAL WILL
A will may not be made by two or more persons in the same act, either for the benefit of a third party or by reciprocal disposition.

CIVIL CODE
590
CONFIRMATION AND VOLUNTARY EXECUTION OF VOID TESTAMENTARY DISPOSITIONS
The nullity of testamentary disposition, from whatever cause it may depend, cannot be invoked by one who, knowing the cause of the nullity, has, after the death of the testator, confirmed the disposition or voluntarily executed it.

CIVIL CODE
591
CASES OF INCAPACITY
Any person who has not been declared incapacitated by law can dispose by will.
Incapable of testing are:
1) those who have not attained the age of majority;
2) those who are interdicted by reason of insanity;
3) those who, although not interdicted, are proved to have been, for any cause, even transitory, incapable of making a will at the time they made the will.
In the cases of incapacity provided for in this article, the will may be challenged by anyone who has an interest in it.
The action shall be prescribed within five years from the day on which the testamentary provisions were executed.

CIVIL CODE
592
RECOGNIZED OR RECOGNIZABLE NATURAL CHILDREN
If there are legitimate descendants, natural children when filiation has been recognized or declared, may not receive by will more than they would have received if the succession had devolved according to law.
Recognizable natural children, when the filiation results in the manner specified in article 279, may not receive more than what, according to the provision of the preceding paragraph, they could

have received if the filiation had been recognized or declared.
(1) The Constitutional Court in its judgment No. 205 of December 28, 1970, declared this ARTunconstitutional.

CIVIL CODE
594
ALLOWANCE TO NON-RECOGNIZABLE CHILDREN
The heirs, legatees and donees shall be obliged, in proportion to what they have received, to pay to the children referred to in ART279 an allowance for life within the limits established by ART580, if the parent has not disposed by gift or will in favor of said children. If the parent has disposed in their favor, they may waive the disposition and claim the allowance. (2)

CIVIL CODE
596
INCAPACITY OF THE GUARDIAN OR DEPUTY GUARDIAN
The testamentary dispositions of the person subject to guardianship in favor of the guardian shall be null and void, if made after the appointment of the guardian and before the account is approved or the action for the return of the account is extinguished, although the testator died after the approval. This rule also applies to the protector, if the will is made at the time when he was replacing the guardian.
However, provisions made in favor of the guardian or protector who is an ascendant, descendant, brother, sister or spouse of the testator are valid.

CIVIL CODE
597
INCAPACITY OF NOTARY, WITNESSES AND INTERPRETER.
Dispositions in favor of the notary or other official who received the public will, or in favor of any of the witnesses or interpreter who intervened in the will, are null and void.

CIVIL CODE
598
INCAPACITY OF THE PERSON WHO WROTE OR RECEIVED THE SECRET WILL.
Dispositions in favor of the person who wrote the secret will are null and void, unless they are approved by the testator himself or in the act of delivery. Provisions in favor of the notary to whom the secret will was delivered in an unsealed envelope are also null and void.

CIVIL CODE
599
INTERPOSED PERSONS
Testamentary dispositions for the benefit of incapacitated persons specified in Articles 592, 593, (1) 595, (2) 596, 597 and 598 are null and void even if made under the name of an interposed person. Interposed persons are deemed to be the father, mother, descendants and spouse of the incapacitated person, even if named jointly with the incapacitated person.

(1) The Constitutional Court by Judgment No. 205 of December 28, 1970 declared the constitutional illegitimacy of this ARTinsofar as it refers to Articles 592 and 593. (2) The Constitutional Court by Judgment No. 153 of December 20, 1979 declared the constitutional illegitimacy of this ARTinsofar as it refers to ART595 of the Civil Code.

CIVIL CODE
601
FORMS
The ordinary forms of wills are the holographic will and the will by notarial act.
A will by deed of notary shall be public or secret.

CIVIL CODE
602
HOLOGRAPHIC WILL
A holographic will must be written in full, dated and signed in the hand of the testator.
The signature must be placed at the end of the provisions. Even if it is not made indicating the first and last name, it is nevertheless valid when it designates with certainty the person of the testator.
The date must contain an indication of the day, month and year. Evidence of the untruthfulness of the date is allowed only when it is a matter of judging the testator's capacity, priority of date among several wills or other matter to be decided by the time of the will.

CIVIL CODE
603
PUBLIC WILL
A public will is received by the notary public in the presence of two witnesses.
The testator, in the presence of the witnesses, declares to the notary his will, which shall be reduced to writing by the notary. The latter reads the will to the testator in the presence of the witnesses. Each of these formalities are mentioned in the will. The will indicates the place, date of receipt and time of signing, and shall be signed by the testator, the witnesses and the notary public. If the testator cannot sign, or can do so only with grave difficulty, he or she must state the cause, and the notary must mention this statement before reading the deed.
For the will of the mute or deaf, the rules established by the Notary Law for public deeds of these persons are observed. If the testator is also incapable of reading, four witnesses must attend.

CIVIL CODE
604
SECRET WILL
A secret will may be written by the testator or by a third party. If it is written by the testator, it must be signed by him at the end of the provisions; if it is written in whole or in part by others, or if it is written by mechanical means, it must also bear the

testator's signature on each half-sheet, joined or separate.
A testator who can read but cannot write, or who was unable to affix his signature when he had his dispositions written, must also declare to the notary, who receives the will, that he has read it and add the cause which prevented him from signing it: this shall be mentioned in the deed of receipt.
One who does not know or cannot read cannot make a secret will.

CIVIL CODE
605
FORMALITY OF THE SECRET WILL
The paper on which the dispositions are laid out or that which serves as a wrapper must be sealed with imprint, so that the will cannot be opened or extracted without breakage or alteration.
The testator, in the presence of two witnesses, personally delivers to the notary the paper so sealed, or shall have it sealed in the manner aforesaid in the presence of the notary and the witnesses, and declares that in this paper is contained his will. The testator, if he is mute or deaf, (1) writes such declaration in the presence of witnesses and also declare in writing that he has read the will, if it has been written by others.
On the paper in which the will is written or wrapped by the testator, or on an additional wrapper prepared by the notary and duly sealed by him, the deed of receipt is written in which the fact of delivery and the declaration of the testator, the number and imprint of the seals, and the assistance of the witnesses to all formalities is indicated.
The deed must be signed by the testator, the witnesses, and the notary public.
If the testator cannot, for any impediment, sign the deed of delivery, what is established about a will by public instrument is observed. All this must be done in succession and without passing to other acts.

CIVIL CODE
606
NULLITY OF WILL FOR LACK OF FORM
A will is null and void when there is a lack of autograph or signature in the case of a holographic will, or a lack of writing by the notary of the declarations of the testator or a signature of either, in the case of a will by deed of notary.
For any other defect of form, the will may be annulled at the instance of any person having an interest therein. The action for annulment prescribes in five years from the day of execution of the testamentary provisions

CIVIL CODE
607
VALIDITY OF SECRET WILL AS HOLOGRAPHIC.
A secret will, which lacks some requirement of its own, has effect as a holographic will, if it has the requirements of the latter.

CIVIL CODE
608

WITHDRAWAL OF SECRET WILL OR HOLOGRAPHIC WILL
The secret will and the holographic will that has been deposited may be withdrawn by the testator at any time from the hands of the notary with whom they are located.
Minutes of the return shall be drawn up by the notary; the minutes shall be signed by the testator, two witnesses and the notary; if the testator is unable to sign, they shall be recorded.
When the will is deposited in a public archive, the minutes shall be drawn up by the archivist and signed by the testator, witnesses and the archivist.
Of the return of the will, a note shall be made in the margin or at the foot of the document of delivery or deposit.

CIVIL CODE
609
CONTAGIOUS DISEASES, PUBLIC CALAMITIES OR ACCIDENTS
When the testator cannot avail himself/herself of the ordinary forms, because he/she is in a place where a disease reputed to be contagious dominates, or because of public calamity or accident, the will shall be valid if received by a notary public, the local justice of peace, the mayor or his deputy, or a minister of religion, in the presence of two witnesses not less than sixteen years of age. The will shall be drawn up and signed by the person receiving it; it shall also be signed by the testator and witnesses. If the testator or witnesses cannot sign, the cause shall be stated.

CIVIL CODE
610
TERM OF EFFICACY
A will received in the manner specified in the preceding ARTshall lose its effectiveness three months after the termination of the cause that prevented the testator from availing himself of the ordinary forms.
If the testator dies in the interval, the will shall be deposited, as soon as practicable, in the notarial archives of the place where it was received.

CIVIL CODE
611
WILL ON BOARD OF SHIP
During a voyage by sea, a will might be received on board a ship by its master.
The master's will might be received by the person who immediately follows him in order of service.

CIVIL CODE
612
FORMS
The will specified in the preceding ARTshall be made in duplicate originals in the presence of two witnesses and shall be signed by the testator, the person who received it, and the witnesses; if the testator or the witnesses cannot sign, the reason for not being able to sign shall be stated.
The will shall be kept among the ship's papers and shall be noted in

the ship's logbook or nautical log and crew list.

CIVIL CODE
613
DELIVERY
If the ship lands at a foreign port where there is a consular authority, the master shall deliver to that authority one of the originals of the will and a copy of the entry made in the logbook or nautical log and crew list.
Upon the ship's return to the Republic, the two originals of the will or the one not deposited during the voyage shall be delivered to the local maritime authority together with the copy of the aforementioned annotation.
A declaration of the delivery shall be made, which shall be mentioned in the margin of the above annotation.

CIVIL CODE
614
RECORD OF DELIVERY
The local maritime or consular authority shall make minutes of the delivery of the will and transmit the minutes and the documents received to the Ministry of Defense or the Ministry of Infrastructure and Transportation depending on whether the will was received aboard a navy ship or a merchant navy ship. The Ministry shall order the deposit of one of the originals in its archives, and transmit the other to the notarial archives of the place of domicile or last residence of the testator.

CIVIL CODE
615
TERM OF EFFICACY
A will made while traveling by sea, in the form established by ART611 (Will on board ship) shall lose its effectiveness three months after the testator disembarks at a place where it is possible to make a will in the ordinary forms.

CIVIL CODE
616
WILL ON BOARD OF AIRCRAFT
The provisions of Articles 611 to 615 shall apply to a will made on board of an aircraft during a voyage.
The will shall be received by the master in the presence of one or, when possible, two witnesses.
The powers of the maritime authorities under Articles 613 and 614 shall be vested by the aviation authorities.
The will shall be noted in the route log.

CIVIL CODE
617
Will of servicemen and assimilated persons
The will of servicemen and assimilated persons of the armed forces of the State might be received by an officer or military chaplain or an officer of the Red Cross, in the presence of two witnesses; it must be signed by the testator, the person receiving it and the

witnesses. If the testator or witnesses are unable to sign, the reason why they were unable to sign must be stated.
The will shall be forwarded as soon as possible to the headquarters and from there to the competent Ministry, which shall order its deposit in the notarial archives of the place of the testator's domicile or last residence.

CIVIL CODE
618
CASES AND TERMS OF EFFECTIVENESS
In the special form established by the preceding article, only those who, belonging to mobilized corps or services or otherwise engaged in war, are in the zone of war operations or are prisoners with the enemy, and those who are quartered or garrisoned outside the Republic or in places where communications are interrupted, might test.
A will loses its effectiveness three months after the return of the testator to a place where it is possible to make a will in ordinary form.

CIVIL CODE
619
NULLITY
Wills provided for in this section shall be null when they lack the annotation in writing of the declaration of the testator or the signature of the person authorized to receive it or of the testator. For other defects in form, the provisions of the second paragraph of ART606 shall be observed.

CIVIL CODE
620
PUBLICATION OF A HOLOGRAPHIC WILL
Any person in possession of a holographic will shall present it to a notary public for publication as soon as he has notice of the testator's death.
Any person who believes to have an interest in it might request, by petition to the court of the district in which the succession was opened, that a time limit is set for its submission.
The notary shall proceed to the publication of the will in the presence of two witnesses, drawing up in the form of public acts a minute in which he describes the state of the will, reproduces its contents, and makes mention of its opening, if it has been presented sealed. The minutes shall be signed by the person presenting the will, the witnesses and the notary public. Attached to it shall be the paper on which the will is written, endorsed on each half-sheet by the notary public and witnesses, and the abstract of the testator's death certificate or a copy of the order ordering the opening of the absentee's last will or the judgement declaring the presumed death.
In cases where the will has been deposited by the testator before a notary public, publication is carried out by the depository notary public.
Upon publication, the holographic will shall be executed.
For justifiable reasons, upon the application of any person having

an interest, the court might order that periods or phrases of a non-patrimonial content might be deleted from the will and omitted in the copies that might be requested, unless the court orders the release of full copies.

CIVIL CODE
621
PUBLICATION OF THE SECRET WILL
The secret will shall be opened and published by the notary as soon as news of the testator's death reaches him. Any person who believes he has an interest in it might request, by petition to the court of the district in which the succession was opened, that a time limit is set for its opening and publication.
The provisions of the third paragraph of ART620 (The notary shall proceed to the publication of the will in the presence of two witnesses, drawing up in the form of public acts a minute in which he describes the state of the will, reproduces its contents, and makes mention of its opening, if it has been presented sealed. The minutes shall be signed by the person presenting the will, the witnesses and the notary public. Attached to it shall be the paper on which the will is written, endorsed on each half-sheet by the notary public and witnesses, and the abstract of the testator's death certificate or a copy of the order ordering the opening of the absentee's last will or the judgement declaring the presumed death.) shall apply.

CIVIL CODE
622
COMMUNICATION OF WILLS TO THE COURT
The notary public shall transmit to the clerk's office of the court, in whose jurisdiction the succession was opened, a copy on plain paper of the records provided for in Articles 620 and 621 and of the public will.

CIVIL CODE
623
COMMUNICATIONS TO HEIRS AND LEGATEES
The notary who has received a public will, as soon as the death of the testator is known to him, or, in the case of a holographic or secret will, after publication, shall communicate the existence of the will to the heirs and legatees whose domicile or residence he knows.

CIVIL CODE
624
VIOLENCE, MALICE, ERROR
A testamentary disposition might be petitioned by any person interested in it when it is the effect of error, violence, or malice.
Mistake as to the motive, whether in fact or in law, is cause for annulment of the testamentary disposition when the motive results from the will and is the only one that determined the testator to dispose.
The action shall be time-barred in five years from the day on which

notice of the violence, malice or mistake was received.

CIVIL CODE
625
Erroneous indication of the heir or legatee or of the thing forming the object of the disposition
If the person of the heir or legatee has been mistakenly named, the disposition has effect, when it appears from the context of the will or otherwise appears unambiguously which person the testator intended to name.
The disposition takes effect also when the thing forming the subject matter of the disposition has been erroneously indicated or described, but it is certain what thing the testator intended to refer to.

CIVIL CODE
626
ILLICIT MOTIVE
Illicit motive renders the testamentary disposition void when it appears from the will and is the only one that determined the testator to dispose.

CIVIL CODE
627
TRUST DISPOSITION
No action might be brought in court to establish that dispositions made for the benefit of a person declared in the will are only apparent and actually concern another person, even if expressions in the will might indicate or imply that the person is an interposed person.
However, the person declared in the will, if he or she has voluntarily executed the trust provision by transferring the property to the person intended by the testator, can not sue for repetition unless he or she is an incapacitated person.
The provisions of this ARTshall not apply to the case where the institution or bequest is challenged as made through an interposed person in favor of incapacitated persons.

CIVIL CODE
628
DISPOSITION IN FAVOR OF UNCERTAIN PERSON
Any disposition made in favor of a person who is named in a manner that can not be determined shall be void.

CIVIL CODE
629
DISPOSITIONS IN FAVOR OF THE SOUL
Dispositions in favor of the soul are valid if the goods are determined or the sum to be used for that purpose can be determined. They shall be deemed to be a charge against the heir or legatee, and ART648 (Performance of the burden - For the fulfillment of the burden any interested party might act.
In the case of non-fulfillment of the charge, the judicial authority might pronounce the termination of the testamentary disposition, if

the termination was intended by the testator, or if the fulfillment of the charge constituted the sole determining reason for the disposition.) shall apply.
The testator might designate a person to take care of the execution of the disposition, even if there is a lack of an interested party to request the fulfillment.

CIVIL CODE
630
PROVISIONS FOR THE BENEFIT OF POOR PEOPLE
Provisions for the benefit of the poor and other similar provisions, expressed generically, without determining the use or the public institution for whose benefit they are made, shall be deemed to be made in favor of the poor of the place where the testator was domiciled at the time of his/her death, and the property shall be devolved to the municipal welfare agency.
The preceding provision shall also apply when the person appointed by the testator to determine the use or the public institution is unable or unwilling to accept the appointment.

CIVIL CODE
631
DISPOSITIONS REMITTED TO THE WILL OF THE THIRD PARTY
Any testamentary provision by which the designation of the heir or legatee, or the determination of the share of the estate, is made to depend on the arbitrariness of a third party is null.
However, a special disposition in favor of a person to be chosen by the honoree or by a third party from among several persons determined by the testator or belonging to families or categories of persons determined by the testator is valid, and a special disposition in favor of one among several entities determined likewise by the testator is also valid. If more than one person is named alternatively and it is not determined who is to make the choice, it is deemed to be left to the honored person.
If the honored person or the third party can not or will not make the choice, it shall be made by decree by the president of the court of the place where the succession was opened, after taking appropriate information.

CIVIL CODE
632
DETERMINATION OF LEGACY BY THE ARBITRARINESS OF OTHERS
A disposition that leaves to the mere arbitrariness of the honored person or a third party to determine the object or quantity of the legacy is null.
Legacies made as remuneration for services rendered to the testator are valid, even if the object or quantity is not indicated.

CIVIL CODE
633
SUSPENSIVE OR RESOLUTIVE CONDITION
Dispositions of universal or particular title might be made under a suspensive or resolutive condition.

CIVIL CODE
634
IMPOSSIBLE OR UNLAWFUL CONDITIONS
In testamentary dispositions, conditions that are impossible and those that are contrary to mandatory rules, public order or morality shall be deemed not to be affixed, except as what provided in ART626 (Illicit motive - Illicit motive renders the testamentary disposition void when it appears from the will and is the only one that determined the testator to dispose).

CIVIL CODE
635
RECIPROCITY CONDITION
A universal or particular disposition made by the testator on the condition of being in turn benefited in the will by the heir or legatee is null.

CIVIL CODE
636
PROHIBITION OF MARRIAGE
A condition that prevents first marriages or further marriages is unlawful.
However, the legatee of usufruct or use, habitation or pension, or other periodic benefit for the case or time of celibacy or widowhood, can only enjoy it during celibacy or widowhood.

CIVIL CODE
637
TERM
It is deemed as not affixed to an universa provision the term from which the effect of a universal provision is to begin or cease.

CIVIL CODE
638
CONDITIONS OF NOT TO DO OR NOT TO GIVE
If the testator has made a disposition under the condition that the heir or legatee shall not do or give anything for an indefinite period of time, the disposition shall be deemed to have been made under a resolutive condition, unless the will shows a contrary will of the testator.

CIVIL CODE
639
GUARANTEE IN CASE OF RESOLUTIVE CONDITION
If the testamentary disposition is subject to a resolutory condition, the judicial authority, if it deems it advisable, might require the heir or legatee to give suitable security in favor of those to whom the estate or legacy should be devolved in the event that the condition comes true.

CIVIL CODE
640
GUARANTEE IN CASE OF A LEGACY SUBJECT TO A SUSPENDING OR TERMING CONDITION

If a legacy is left to someone under a suspending condition or after a certain time, the honoree might be compelled to give suitable security to the legatee, unless the testator has otherwise provided. The guarantee might also be imposed on the legatee when the legacy is with a final term.

CIVIL CODE
641
ADMINISTRATION IN CASE OF SUSPENDING CONDITION OR OF FAILURE TO GIVE SECURITY
If the heir is established under a suspending condition, until this condition occurs or it is certain that it can no longer occur, an administrator shall be appointed for the inheritance.
The same rule also applies in the event that the heir or legatee fails to fulfill the obligation to provide the guarantee stipulated in the previous two articles.

CIVIL CODE
642
PERSONS TO WHOM THE ADMINISTRATION PERTAINS
Administration shall be vested in the person in whose favor substitution has been ordered, or in the coheir or coheirs, when there is the right of accretion between them and the conditional heir.
If no substitution is deemed or there are no coheirs in whose favor the right of accretion takes place, the administration belongs to the presumptive heir.
In any case, the judicial authority, when just reasons concur, might provide otherwise.

CIVIL CODE
643
ADMINISTRATION IN CASE OF UNBORN HEIRS
The provisions of the two preceding articles shall also apply in the case where an unconceived child of a specified living person is called to succeed. This person shall be entitled to represent the unborn, for the protection of his inheritance rights, even when the administrator of the inheritance is a different person.
If a conceived person is called, the administration is vested in the father and mother.

CIVIL CODE
644
OBLIGATIONS AND FACULTIES OF ADMINISTRATORS
Common to the administrators indicated by the preceding articles are the rules that refer to the administrators of the inheritance in abeyance.

CIVIL CODE
645
POTESTATIVE SUSPENSIVE CONDITION WITHOUT TERM
If the condition attached to the institution of an heir or legacy is suspensive potestative and no term for fulfillment is indicated, the interested parties might apply to the judicial authority to fix this

term.

CIVIL CODE
646
RETROACTIVITY OF THE CONDITION
The fulfillment of the condition has retroactive effect; but the heir or legatee, in the case of a resolutive condition, is not obliged to return the fruits except from the day on which the condition occurred. The action for the return of the fruits is time-barred in five years.

CIVIL CODE
647
BURDEN
Both to the institution of an heir and to a legacy a charge might be affixed.
Unless the testator has otherwise provided, the judicial authority, if it deems it advisable, might impose a security on the burdened heir or legatee.
An impossible or unlawful charge shall be deemed not to have been affixed; it shall, however, render the disposition null if it constituted its sole determining reason.

CIVIL CODE
648
PERFORMANCE OF THE BURDEN
For the fulfillment of the burden any interested party might act.
In the case of non-fulfillment of the charge, the judicial authority might pronounce the termination of the testamentary disposition, if the termination was intended by the testator, or if the fulfillment of the charge constituted the sole determining reason for the disposition.

CIVIL CODE
649
ACQUISITION OF LEGACIES
A legacy is acquired without the need for acceptance, without prejudice to the right to renounce it.
When the object of the legacy is the ownership of a certain thing or other right belonging to the testator, the ownership or right shall be transmitted from the testator to the legatee at the time of the testator's death.
The legatee, however, must apply to the legatee for possession of the thing legated, even when he/she has been expressly dispensed from it by the testator.

CIVIL CODE
650
ESTABLISHMENT OF A TIME LIMIT FOR RELINQUISHMENT
Any person who has an interest might request that the court set a time limit within which the legatee shall state whether he/she intends to exercise the right to renounce. After this period has elapsed without having made any declaration, the legatee loses the right to renounce.

CIVIL CODE
651
LEGATE OF THING OF THE LEGATEE OR OF A THIRD PARTY
A legacy of the thing of the honored person or of a third party is null, unless it appears from the will or other statement in writing by the testator that he knew that the thing legated belonged to the honored person or to the third party. In the latter case, the honoree is obliged to acquire ownership of the thing from the third party and to transfer it to the legatee, but it is within his power to pay the legatee a fair price for it.
If, however, the thing legated, although belonging to others at the time of the will, is in the testator's ownership at the time of his death, the legacy is valid.

CIVIL CODE
652
LEGATE OF THING BELONGING ONLY IN PART TO THE TESTATOR
If a part of the thing legated or a right to the same belongs to the testator, the legacy is valid only with respect to this part or this right, unless the testator's intention to bind the whole thing is apparent, in accordance with the preceding article.

CIVIL CODE
653
LEGACY OF GENERICALLY DETERMINED THING
A legacy of a thing determined only in kind is valid, even if none of the kind was in the testator's estate at the time of the will and none is found at the time of death.

CIVIL CODE
654
LEGACY OF THING NOT EXISTING IN THE ESTATE
When the testator has left a particular thing of his or her own, or a thing determined only in kind to be taken from his or her estate, the legacy has no effect if the thing is not in the testator's estate at the time of his or her death.
If the thing is in the testator's estate at the time of his death, but not in the quantity determined, the legacy takes effect for the quantity found therein.

CIVIL CODE
655
LEGACY OF THING TO BE TAKEN FROM CERTAIN PLACE
The legacy of things to be taken from certain place takes effect only if the things are found there, and for the part that is found there; it takes effect, however, for the whole when, at the death of the testator, the things are not found there, in whole or in part, because they had been temporarily removed from the place where they were usually kept.

CIVIL CODE
656
LEGACY OF THING OF THE LEGATEE

A legatee of a thing which at the time when the will was made was already the property of the legatee shall be void, if the thing is in his property even at the time of the opening of the succession. If at the time of the opening of the succession the thing is in the property of the testator, the legacy is valid, and it is also valid if at this time the thing is in the property of the honored person or of a third party, and it appears from the will that it was legated in view of this event.

CIVIL CODE
657
LEGATE OF THING ACQUIRED BY THE LEGATEE
If the legatee, after the making of the will, has acquired from the testator, either for consideration or free of charge, the thing legated to him, the legacy is without effect in accordance with ART686.
If after the making of the will the thing legated has been purchased by the legatee, free of charge, from the honoree or a third party, the legatee is without effect; if the purchase took place with charge, the legatee is entitled to reimbursement of the price, if the circumstances indicated in ART651 (Legate of thing of the legatee or of a third party - A legacy of the thing of the honored person or of a third party is null, unless it appears from the will or other statement in writing by the testator that he knew that the thing legated belonged to the honored person or to the third party. In the latter case, the honoree is obliged to acquire ownership of the thing from the third party and to transfer it to the legatee, but it is within his power to pay the legatee a fair price for it. If, however, the thing legated, although belonging to others at the time of the will, is in the testator's ownership at the time of his death, the legacy is valid.) apply.

CIVIL CODE
658
LEGATE OF A CLAIM OR RELEASE FROM DEBT
A legacy of a claim or release from a debt is effective only for that part of the claim or debt that exists at the time of the testator's death.
The heir is only obliged to deliver to the legatee the titles of the legatee's claim that were with the testator.

CIVIL CODE
659
LEGATE IN FAVOR OF THE CREDITOR
If the testator, without mentioning the debt, makes a legacy to his creditor, the legacy is not presumed to have been made to satisfy the legatee of his claim.

CIVIL CODE
661
PRELEGATE
A legacy of alimony, for the benefit of whomever it is made, shall include the administrations indicated in ART438, unless the testator has provided otherwise.

CIVIL CODE
661
Prelegate
A legacy in favor of one of the co-heirs and in charge of the entire estate shall be considered as a legacy for the full amount.

CIVIL CODE
662
BURDEN OF THE PERFORMANCE OF THE LEGACY
The testator might place the performance of the legacy at the expense of the heirs or at the expense of one or more legatees. When the testator has not provided, the heirs shall be liable for it.
On each of the several legatees the legacy shall be borne in proportion to their respective share in the estate or legacy, if the testator has not otherwise provided.

CIVIL CODE
663
LEGACIES IMPOSED ON ONLY ONE HEIR
If the obligation to fulfill the legacy has been particularly imposed on one of the heirs, that heir alone is obliged to fulfill it.
If a coheir's own thing has been tied, the coheirs are obliged to compensate him for the value of it with money or hereditary goods, in proportion to their shares in the estate, if no contrary will of the testator is apparent.

CIVIL CODE
ARTICLE 664
FULFILLMENT OF THE LEGACY OF KIND
In the legacy of a thing determined only in kind, the choice, when not entrusted by the testator to the legatee or to a third party, rests with the honoree. The latter is obliged to give things of no less than average quality; but if there is only one of the things belonging to the genus specified in the estate, the honoree has no right nor can he be obliged to lend another, unless the testator expressly provides otherwise.
If the choice is left by the testator to the legatee or a third party, they must choose a thing of average quality; but if things of the kind indicated are found in the estate, the legatee might choose the best.
If the third party can not or will not make the choice, it shall be made in accordance with the third paragraph of ART631 (If the honored person or the third party can not or will not make the choice, it shall be made by decree by the president of the court of the place where the succession was opened, after taking appropriate information.).

CIVIL CODE
665
CHOICE IN ALTERNATIVE LEGACY
In the alternative bequest, the choice rests with the legatee, unless the testator has left it to the legatee or to a third party.

CIVIL CODE
666
TRANSMISSION TO THE HEIR OF THE FACULTY OF CHOICE
In both genre bequest and alternative bequest, if the honoree or legatee to whom the choice pertains has been unable to make it, the faculty of choice is transmitted to his heir.
The choice made is irretractable.

CIVIL CODE
667
ACCESSIONS OF THE THING LEGATED
The thing legated, with all its appurtenances, shall be lent to the legatee in the state in which it is at the time of the testator's death.
If a fund has been bequeathed, the constructions made in the fund are also included in the legacy, whether they already existed at the time of the making of the will or not, subject in any case to the applicability of the second paragraph of ART686 (The same is the case if the testator has transformed the thing legated into another, so that the one has lost its former form and primitive name.).
If the bequeathed estate has been increased by subsequent purchases, these are due to the legatee, provided that they are contiguous to the estate and form an economic unit with it.

CIVIL CODE
668
FULFILLMENT OF LEGACY
If the thing legated is encumbered by an easement, a fee or other charge inherent in the estate, or by a land annuity, the burden thereof shall be borne by the legatee.
If the thing legated is legated for a simple annuity, fee or other debt of the estate, or even of a third party, the heir shall be liable to pay the annuities or interest and the principal sum, according to the nature of the debt, if the testator has not otherwise provided.

CIVIL CODE
669
FRUITS OF THE THING BEQUEATHED
If the object of the legacy is an interest-bearing thing belonging to the testator at the time of his death, the fruits or interest are due to the legatee from this time.
If the thing belongs to the legatee or to a third party, or if it is a thing determined by kind or quantity, the fruits or interest are due from the day of the legal demand or from the day on which the performance of the legacy was promised, unless the testator has provided otherwise.

CIVIL CODE
670
LEGACY OF PERIODIC PERFORMANCE
If a sum of money or a quantity of other fungible things has been bequeathed, to be rendered on periodic terms, the first term shall

run from the death of the testator, and the legatee acquires the right to all the performance due for the current term, even though he was alive only at the beginning of it. The legacy, however, cannot be demanded until after the term has expired.
However, a legacy by way of alimony might be demanded at the beginning of the term.

CIVIL CODE
671
LEGACIES AND CHARGES AGAINST THE LEGATEE
The legatee shall be legated to fulfill the legacy and any other burden imposed on him within the limits of the value of the thing legated.

CIVIL CODE
672
EXPENSES FOR THE PERFORMANCE OF THE LEGACY
Expenses for the performance of the legacy shall be borne by the legatee.

CIVIL CODE
673
LOSS OF THE THING LEGATED. IMPOSSIBILITY OF PERFORMANCE
The legacy has no effect if the thing legated is entirely perished during the testator's lifetime.
The obligation of the honoree shall be extinguished if, after the death of the testator, performance has become impossible for reasons not attributable to him.

CIVIL CODE
674
ACCRETION AMONG CO-HEIRS
When several heirs have been established by the same will in the universality of property, without determination of parts or in equal parts, even if determined, if one of them is unable or unwilling to accept his share he shall accrue to the others.
If several heirs have been established in the same share, the accretion shall take place in favor of the others established in the same share.
Accretion does not take place when the will shows a different will of the testator.
In any case, the right of representation shall be excepted.

CIVIL CODE
675
ACCRETION BETWEEN LEGATEES
Accretion shall also take place among several legatees to whom the same object has been bequeathed, unless a different will results from the will and subject always to the right of representation.

CIVIL CODE
676
EFFECTS OF ACCRETION
Acquisition by accretion takes place as of right.

The coheirs or legatees, in whose favor the accretion occurs, take over the obligations to which the missing heir or legatee was subject, except in the case of obligations of a personal nature.

CIVIL CODE
677
LACK OF ACCRETION
If no accretion takes place, the portion of the missing heir shall devolve to the legitimate heirs, and the portion of the missing legatee shall go to the benefit of the honoree.
The legitimate heirs and the honored person shall succeed to the obligations that were incumbent on the missing heir or legatee, except in the case of obligations of a personal nature.
The preceding provisions shall also apply in the case of termination of testamentary dispositions due to non-performance of the obligation.

CIVIL CODE
678
ACCRETION IN THE LEGACY OF USUFRUCT
When a usufruct is bequeathed to several persons so that there is a right of accretion among them, the accretion shall take place even when one of them passes away after having achieved possession of the thing on which the usufruct falls.
If there is no right of accretion, the missing legatee's portion shall be consolidated with the property.

CIVIL CODE
679
REVOCABILITY OF WILLS
The right to revoke or change testamentary dispositions might not be waived in any way: any clause or condition to the contrary shall have no effect.

CIVIL CODE
680
EXPRESS REVOCATION
Express revocation might be made only by a new will, or by a deed received by a notary public in the presence of two witnesses, in which the testator personally declares that he revokes, in whole or in part, the earlier disposition.

CIVIL CODE
681
REVOCATION OF REVOCATION
The total or partial revocation of a will might in turn be revoked always in the forms established in the preceding article. In such case the revoked provisions shall revive.

CIVIL CODE
682
POSTERIOR WILL
A subsequent will, which does not expressly revoke the preceding wills, shall annul in these only those provisions that are

incompatible with it.

CIVIL CODE
683
INEFFECTIVE POSTERIOR WILL
A revocation made by a later will retains its effectiveness even when it remains without effect because the heir instituted or legatee has predeceased the testator, or is incapacitated or unworthy, or has renounced the inheritance or legacy.

CIVIL CODE
684
DESTRUCTION OF THE HOLOGRAPHIC WILL
A holographic will that has been destroyed, torn or erased, in whole or in part, shall be deemed to have been revoked in whole or in part, unless it is proved that it was destroyed, torn or erased by a person other than the testator, or it is proved that the testator had no intention to revoke it.

CIVIL CODE
685
EFFECTS OF WITHDRAWAL OF SECRET WILL
The withdrawal of the secret will, by the testator, from the hands of the notary or archivist with whom it is deposited, shall not import revocation of the will when the testamentary record might count as a holographic will.

CIVIL CODE
686
ALIENATION AND TRANSFORMATION OF THE THING LEGATED
The alienation that the testator makes of the thing legated or part of it, including by sale with redemption agreement, revokes the legacy with respect to what has been alienated, even when the alienation is voidable for causes other than defects of consent, or the thing returns to the testator's property.
The same is the case if the testator has transformed the thing legated into another, so that the one has lost its former form and primitive name.
Evidence of a different will of the testator is admitted.

CIVIL CODE
687
REVOCATION DUE TO SUPERVENING CHILDREN
Dispositions by universal or particular title, made by one who at the time of the will did not have or was unaware of having children or descendants, shall be revoked as of right by reason of the existence or supervening of a child or descendant of the testator, even if posthumous, including adoptive, or by reason of the recognition of a child born out of wedlock.
Revocation takes place even if the child was conceived at the time of the will.
On the other hand, revocation does not take place if the testator has made provision for the case that children or descendants of children existed or survived.

If children or descendants do not come to the succession and no representation is made, the disposition has its effect.

CIVIL CODE
688
CASES OF ORDINARY SUBSTITUTION
The testator might substitute another person for the heir instituted for the case that the former cannot or will not accept the inheritance.
If the testator has disposed for only one of these cases, it shall be presumed that he intended to refer also to the one not expressed, unless it appears that he intended otherwise.

CIVIL CODE
689
MULTIPLE SUBSTITUTION AND MUTUAL SUBSTITUTION
More than one person might be substituted for one and one for several.
Substitution might also be mutual among the instituted coheirs. If they were instituted in unequal shares, the proportion between the shares fixed in the first institution shall be presumed to be repeated also in the substitution. If another person is called in the substitution together with the instituted ones, the vacant share shall be divided equally among all the substitutes.

CIVIL CODE
690
OBLIGATIONS OF REPLACEMENTS
The replacements must fulfill the obligations imposed on the institutes, unless a different will has been expressed by the testator or they are obligations of a personal nature.

CIVIL CODE
691
ORDINARY SUBSTITUTION IN LEGACIES
The rules established in this section also apply to legacies.

CIVIL CODE
692
FEDECOMMISSARY SUBSTITUTION
Any one of the parents or other ascendants in the direct line or the spouse of the interdict might respectively institute the child, descendant, or spouse with the obligation to preserve and return at his death the property, including property constituting the legitimacy, in favor of the person or entities that, under the supervision of the guardian, have taken care of the interdict.
The same provision shall apply in the case of a minor, if he or she is in the condition of habitual insanity such as to presume that within the period specified in ART416 the pronouncement of disqualification will intervene.
In the case of a plurality of persons or entities referred to in the first paragraph, the property shall be attributed in proportion to the time during which the same persons or entities took care of the disqualified person.

Substitution shall be without effect in the event that the interdiction is denied or the related proceedings are not commenced within two years after the habitually insane minor reaches the age of majority. It is also without effect in the case of revocation of the disqualification or with respect to persons or entities that have violated the obligations of care.
In any other case the substitution is void.

CIVIL CODE
693
RIGHTS AND OBLIGATIONS OF THE INSTITUTED PERSON
The instituted person shall have the enjoyment and free administration of the property that is the subject of substitution, and he might sue for all actions relating to the same property. He might also make all innovations directed to the better use of the property.
The rules concerning the usufructuary are common to the instituted person, insofar as they are applicable.

CIVIL CODE
694
ALIENATION OF PROPERTY
The judicial authority might permit the alienation of the property that is the subject of the substitution in the case of evident utility, ordering the reuse of the sums obtained. It might also be permitted, with the necessary precautions, to establish mortgages on the same property to secure claims for land improvements and transformations.

CIVIL CODE
695
RIGHTS OF THE PERSONAL CREDITORS OF THE INSTITUTED PERSON
The personal creditors of the instituted person might act only on the fruits of the property that is the subject of substitution.

CIVIL CODE
696
DEVOLUTION TO THE SUBSTITUTED
The estate shall devolve to the substitute upon the death of the instituted person.
If the persons or entities that took care of the incapacitated person die or become extinct before his or her death, the property or the portion of the property that would accrue to them shall devolve to the legal successors of the incapacitated person.

CIVIL CODE
697
FEDECOMMISSARY SUBSTITUTION IN LEGACIES
The rules established in this section are also applicable to legacies.

CIVIL CODE
698
SUBSEQUENT USUFRUCT

The disposition, by which a usufruct, annuity or annuity is left to several persons successively, shall have force only in favor of those who at the death of the testator are first called upon to enjoy it.

CIVIL CODE
699
NUPTIAL AWARDS, WORKS OF ASSISTANCE AND THE LIKE
A testamentary disposition having as its object the periodic disbursement, in perpetuity or in time, of specified sums for nuptiality or birth premiums, subsidies for initiation into a profession or art, works of assistance, or for other purposes of public benefit, for the benefit of persons to be chosen from within a specified category or from among the descendants of specified families shall be valid. Such annuities might be redeemed in accordance with the rules dictated for annuities.

CIVIL CODE
700
FACULTY OF APPOINTMENT AND SUBSTITUTION
The testator might appoint one or more executors and, in case some or all of them are unwilling or unable to accept, another or others in their stead.
If more than one executor is appointed, they must act jointly, unless the testator has divided the allocations among them, or it is an urgent measure for the preservation of an estate or right to inherit.
The testator might authorize the executor to substitute others for himself if he cannot continue in the office.

CIVIL CODE
701
PERSONS CAPABLE OF BEING APPOINTED
Persons who do not have full capacity to obligate themselves might not be appointed executors.
An heir or legatee might also be appointed executor.

CIVIL CODE
702
ACCEPTANCE AND WAIVER OF APPOINTMENT
Acceptance of the appointment of executor or waiver thereof shall be evidenced by a declaration made in the registry of the court (1) in whose jurisdiction the succession was opened, and shall be recorded in the register of successions.
Acceptance might not be subject to condition or term.
The court, upon the application of any interested party, might assign the executor a time limit for acceptance, after which the executor shall be deemed to have renounced.

CIVIL CODE
703
FUNCTIONS OF THE EXECUTOR
The executor shall see to it that the provisions of the deceased's last will are exactly executed.

For this purpose, unless otherwise willed by the testator, he shall administer the estate, taking possession of the property forming part of it.
Possession might not last more than one year from the declaration of acceptance, unless the judicial authority, for reasons of manifest necessity, after hearing the heirs, extends the duration, which might never exceed another year.
The executor shall administer like a good family man and might perform all necessary acts of management. When it is necessary to alienate property of the estate, he shall seek permission from the court, which shall do so after hearing the heirs.
Any act of the executor shall not affect the right of the called party to renounce the estate or to accept it with the benefit of inventory.

CIVIL CODE
704
PROCEDURAL REPRESENTATION
During the management of the executor, actions relating to the estate must also be brought against the executor. The latter shall be entitled to intervene in judgments brought by the heir and might exercise actions relating to the exercise of his office.

CIVIL CODE
705
AFFIXING OF SEALS AND INVENTORY
The executor shall cause seals to be affixed when there are minors, absentees, interdicts or legal persons among those called to the estate.
He shall in such case have the inventory of the property of the estate drawn up in the presence of those called to the estate or their representatives, or after inviting them.

CIVIL CODE
706
DIVISION TO BE MADE BY THE EXECUTOR
The testator might provide that the executor, when he is not an heir or legatee, shall make the division among the heirs of the property of the estate. In this case the provisions of ART733 shall be observed.
Before making the division the executor shall hear the heirs.

CIVIL CODE
707
DELIVERY OF PROPERTY TO THE HEIR
The executor shall deliver to the heir, who so requests, the property of the estate which is not necessary for the performance of his office.
He might not refuse such delivery on account of obligations he must fulfill in accordance with the will of the testator, or of conditional or term bequests, if the heir proves that he has already fulfilled them, or offers suitable security for the fulfillment of the obligations, bequests or charges.

CIVIL CODE
708
DISAGREEMENT AMONG SEVERAL EXECUTORS
If the executors who are to act jointly disagree about an act of their office, the judicial authority shall provide, after hearing, if necessary, the heirs.

CIVIL CODE
709
MANAGEMENT ACCOUNT
The executor shall render an account of his management at the end of the same, and also after the expiration of one year from the death of the testator, if the management extends beyond one year.
He is liable, in case of fault, to pay damages to the heirs and legatees.
Executors, when there are more than one, are jointly and severally liable for joint management.
The testator might not release the executor from the obligation to render an account or from responsibility for management.

CIVIL CODE
710
EXEMPTION OF THE EXECUTOR
At the instance of any interested party, the judicial authority might exonerate the executor from his office for serious irregularities in the performance of his duties, for unfitness for the office, or for committing actions that undermine his confidence.
The judicial authority shall hear the executor before making such provision and might order appropriate investigations.

CIVIL CODE
711
REMUNERATION
The office of the executor is free of charge. However, the testator might establish remuneration from the estate.

CIVIL CODE
712
EXPENSES
Expenses made by the executor in the performance of his office shall be borne by the estate.

CIVIL CODE
713
FACULTY TO APPLY FOR DIVISION
Coheirs might always apply for division.
When, however, all or some of the instituted heirs are minors, the testator might provide that the division shall not take place until one year has elapsed since the age of majority of the last born.
He might also provide that the division of the estate or some of its property shall not take place before a period not exceeding five years has elapsed since his death.
However, in both cases the judicial authority, if grave circumstances so require, might, upon the petition of one or more

coheirs, allow the division to take place without delay or after a shorter period of time than that stipulated by the testator.

CIVIL CODE
714
SEPARATE ENJOYMENT OF PART OF THE PROPERTY
Division might be requested even when one or more coheirs have separately enjoyed part of the hereditary property, unless usury has occurred as a result of exclusive possession.

CIVIL CODE
715
CASES OF IMPEDIMENT TO DIVISION
If there is a conceived person among those called to the succession, the division cannot take place before the birth of that person. Likewise, the division might not take place during the pendency of a judgment on the filiation of the person who, in the event of a favorable outcome of the judgment, would be called to succeed, nor might it take place during the conduct of the administrative procedure for the admission of the recognition provided for in the fourth paragraph of ART252 or for the recognition of the entity established as heir. (1)
However, the judicial authority might authorize the division, setting appropriate precautions.
The provision of the preceding paragraph shall also apply if there are unborn unconceived children among those called to the estate. If unborn unconceived children are instituted without determination of shares, the judicial authority might allocate all or part of the hereditary property to the other coheirs, according to the circumstances, ordering appropriate precautions in the interest of the unborn children.

CIVIL CODE
717
SUSPENSION OF DIVISION BY COURT ORDER
The judicial authority, upon the application of one of the co-heirs, might suspend, for a period of time not exceeding five years, the division of the estate or of certain property, if its immediate execution would be significantly prejudicial to the estate.

CIVIL CODE
718
RIGHT TO PROPERTY IN KIND
Each coheir might claim his share in kind of the movable and immovable property of the estate, subject to the provisions of the following articles.

CIVIL CODE
719
SALE OF PROPERTY FOR THE PAYMENT OF HEREDITARY DEBTS
If the coheirs entitled to more than half of the estate agree in the necessity of the sale for the payment of the debts and burdens of the estate, the movable property and, if necessary, those immovable property whose alienation would be less prejudicial to the interests

of the sharers shall be sold by auction.
When the consent of all parties concurs, the sale might follow among the sharers only and without publicity, unless there is opposition from legatees or creditors.

CIVIL CODE
720
NON-SHARABLE REAL ESTATE
If there are properties in the estate which are not conveniently divisible, or the division of which would be detrimental to the reasons of public economy or hygiene, and the division of the whole substance cannot be carried out without their division, they shall preferably be included in full, with the surplus being charged, in the portion of one of the coheirs entitled to the greater share, or even in the portions of several coheirs, if they jointly request the allocation. If none of the coheirs is willing to do so, a sale by auction shall take place.

CIVIL CODE
721
SALE OF REAL ESTATE
The covenants and conditions of the sale of real estate, if they are not agreed upon by the sharers, shall be established by the judicial authority.

CIVIL CODE
722
INDIVISIBLE PROPERTY IN THE INTEREST OF NATIONAL PRODUCTION
Insofar as not otherwise provided by special laws, the provisions of the preceding two articles shall also apply in cases where there are assets in the estate which the law declares indivisible in the interest of national production.

CIVIL CODE
723
RETURN OF ACCOUNTS
After the sale, if it has taken place, of the movable and immovable property, the accounts to be rendered by the sharers shall be made, the assets and liabilities of the estate shall be formed, and the portions of the estate and the balances or refunds owed by the sharers to each other shall be determined.

CIVIL CODE
724
COLLATION AND IMPUTATION
Coheirs required to collate, in accordance with Chapter II of this title, shall impute all that has been donated to them.
Each heir shall impute to his share the sums for which he was indebted to the deceased and those for which he is indebted to the co-heirs in connection with the relations of community.

CIVIL CODE
725
WITHDRAWALS

If the donated property is not contributed in kind, or if there are debts to be charged to an heir's share under the second paragraph of the preceding article, the other heirs shall withdraw from the estate property in proportion to their respective shares.
Withdrawals, to the extent possible, shall be made from objects of the same nature and quality as those not contributed in kind.

CIVIL CODE
726
ESTIMATION AND FORMATION OF SHARES
Having made the withdrawals, an appraisal shall be made of what remains in the mass, according to the market value of the individual objects.
Having made the appraisal, the formation of as many portions as there are heirs or lineages sharing in proportion to the shares shall be made.

CIVIL CODE
727
RULES FOR THE FORMATION OF PORTIONS
Except as provided in Articles 720 and 722, the portions shall be formed, after estimating the property by including a quantity of furniture, real estate and credits of equal nature and quality, in proportion to the size of each share.
However, the fractionation of libraries, galleries and collections having historical, scientific or artistic importance shall be avoided as far as possible.

CIVIL CODE
728
MONEY EQUALIZATION
Inequality in kind in inheritance shares shall be compensated by an equivalent in money.

CIVIL CODE
729
ASSIGNMENT OR ALLOCATION OF PORTIONS
The allotment of equal portions shall be made by drawing lots. For unequal portions, it shall be done by attribution. However, with respect to property constituting equal fractions of unequal portions, it might be done by drawing lots.

CIVIL CODE
730
REFERRAL OF TRANSACTIONS TO A NOTARY PUBLIC
The transactions indicated in the preceding articles might, with the consent of all the coheirs, be referred to a notary. The appointment of this one, in the absence of agreement, shall be made by decree of the court of the place of the open succession.
If disputes arise in the course of the operations, they shall be reserved and referred all together to the cognizance of the competent judicial authority, which shall provide by a single judgment.

CIVIL CODE
731
DIVISIONS BETWEEN LINEAGES
The rules on the division of the entire estate shall also be observed in divisions between the members of each lineage.

CIVIL CODE
732
RIGHT OF PRE-EMPTION
A coheir, who wants to alienate to a stranger his share or part of it, must notify the proposed alienation, indicating the price, to the other coheirs, who have the right of pre-emption. This right must be exercised within two months of the last of the notifications. In the absence of notification, the coheirs have the right to redeem the share from the purchaser and any subsequent successors in title, as long as the status of community of inheritance lasts.
If there are more than one coheirs who intend to exercise the right of redemption, the share shall be assigned to all of them in equal shares.

CIVIL CODE
733
RULES GIVEN BY THE TESTATOR FOR DIVISION
When the testator has established particular rules for forming portions, these rules are binding on the heirs, unless the actual value of the property does not correspond to the shares established by the testator.
The testator might provide that the division shall be carried out according to the estimate of a person designated by him who is not an heir or legatee: the division proposed by this person shall not bind the heirs, if the judicial authority, at the instance of any of them, recognizes it to be contrary to the will of the testator or manifestly inequitable.

CIVIL CODE
734
DIVISION MADE BY THE TESTATOR
The testator might divide his property among the heirs by including in the division also the unavailable part.
If the division made by the testator does not include all the property left at the time of death, the property not included therein shall be attributed in accordance with the law, unless it appears that the testator's will was otherwise.

CIVIL CODE
735
PRETERITION OF HEIRS AND INJURY OF LEGITIMACY
The division in which the testator did not include any of the legitimates or instituted heirs is void.
The coheir who has been injured in the reserved share might bring an action for reduction against the other coheirs.

CIVIL CODE

736
DELIVERY OF DOCUMENTS
Having completed the division, documents relating to the property and rights particularly assigned to them shall be remitted to each of the sharers.
The documents of property that has been divided shall remain with the one who has the greater share in it, with the obligation to communicate them to the other sharers who have an interest in them, whenever requested. The same documents, if the property is divided into equal parts, and those common to the whole estate shall be delivered to the person chosen for that purpose by all those interested, who shall be obliged to communicate them to each of them, whenever they ask for them. If there is a conflict in the choice, the person shall be determined by decree by the court of the place of open succession, upon the appeal of any of the interested parties, after hearing the others.

CIVIL CODE
737
PERSONS LIABLE FOR COLLATION
The children and their descendants and the spouse who contribute to the succession must contribute to the coheirs all that they have received from the deceased by donation directly or indirectly, unless the deceased has dispensed them from this.
The dispensation from collation shall have no effect except to the extent of the share available.

CIVIL CODE
738
LIMITS OF COLLATION FOR THE SPOUSE
Gifts of small value made to a spouse are not subject to collation.

CIVIL CODE
739
DONATIONS TO THE DESCENDANTS OR SPOUSE OF THE HEIR. DONATIONS TO SPOUSES
The heir is not obliged to confer donations made to his descendants or spouse, even though succeeding to them he gained the benefit.
If the donations were made jointly to spouses of whom one is a descendant of the donor, only the portion given to the donor shall be subject to collation.

CIVIL CODE
740
DONATIONS MADE TO THE ASCENDANT OF THE HEIR
A descendant who succeeds by representation must confer what has been donated to the ascendant, even if he has renounced the ascendant's inheritance.

CIVIL CODE
741
COLLATION OF MISCELLANEOUS ASSIGNMENTS
It shall be subject to collation what the deceased has spent in favor of his descendants for allotments made on account of marriage,

to initiate them into the exercise of a productive or professional activity, to satisfy premiums relating to life insurance contracts in their favor or to pay their debts.

CIVIL CODE
742
EXPENSES NOT SUBJECT TO COLLATION
Expenses of maintenance and education and those incurred due to illness, nor ordinary expenses made for clothing or wedding, are not subject to collation.
Expenses for wedding trousseau and those for artistic or professional education are subject to collation only to the extent that they considerably exceed the ordinary measure, taking into account the economic condition of the deceased.
Gifts provided for in the second paragraph of ART770 are not subject to collation.

CIVIL CODE
743
SOCIETY CONTRACTED WITH THE HEIR
No collation is due of what has been achieved as a result of a partnership contracted without fraud between the deceased and any of his heirs, if the conditions have been settled by a deed of certain date.

CIVIL CODE
744
PERISHING OF THE DONATED THING
The thing perished for reasons not attributable to the donee shall not be subject to collation.

CIVIL CODE
745
FRUITS AND INTERESTS
Fruits of things and interest on the sums subject to collation are due only from the day on which the succession was opened.

CIVIL CODE
746
COLLATION OF REAL ESTATE
The collation of immovable property is made either by rendering the property in kind or by imputing its value to one's portion, at the option of the person making the contribution.
If the real estate has been alienated or mortgaged, the collation is made only by imputation.

CIVIL CODE
747
COLLATION BY IMPUTATION
Collation by imputation is made having regard to the value of the property at the time of the open succession.

CIVIL CODE
748

IMPROVEMENTS, EXPENSES AND DETERIORATION
In all cases, the value of improvements made to the estate must be deducted in favor of the donee within the limits of their value at the time of the open succession.
Extraordinary expenses incurred by him for the preservation of the thing, not caused by his fault, must also be computed in favor of the donee.
The donee on his part is obligated for deteriorations that, through his fault, have diminished the value of the property.
A coheir who contributes property in kind might retain possession of it until the actual reimbursement of the sums due to him for expenses and improvements.

CIVIL CODE
749
IMPROVEMENTS AND DETERIORATION OF THE ALIENATED PROPERTY
Where the property has been alienated by the donee, the improvements and deteriorations made by the purchaser shall be computed in accordance with the preceding article.

CIVIL CODE
750
COLLATION OF FURNITURE
The collation of furniture shall be made only by imputation, on the basis of the value they had at the time of the open succession.
If it is a question of things that cannot be used without consuming them, and the donee has already consumed them, the value they would have had is determined according to the current price at the time of the open succession.
If these are things that deteriorate with use, their value at the time of the open succession shall be determined with regard to the state they are in.
The determination of the value of government securities, other securities listed on the stock exchange, and commodities and goods whose current price is established by mercurials, shall be made on the basis of the stock exchange lists and mercurials at the time of the open succession.

CIVIL CODE
751
COLLATION OF MONEY
The collation of donated money shall be made by taking a lesser amount of the money that is in the estate, according to the legal value of the kind donated or the kind legally substituted for it at the time of the open succession.
When such money is insufficient and the donee does not wish to confer other money or securities of the State, movable or immovable property of the estate shall be taken, in proportion to their respective shares.

CIVIL CODE
752
ALLOCATION OF HEREDITARY DEBTS AMONG HEIRS
Coheirs shall contribute among themselves to the payment of

hereditary debts and burdens in proportion to their shares in the estate, unless the testator has provided otherwise.

CIVIL CODE
753
REAL ESTATE ENCUMBERED BY REDEEMABLE ANNUITY
Any co-heir, when the immovable property of the estate is encumbered with a redemptible annuity benefit by mortgage, might request that the immovable property be enfranchised and made free of it before the formation of the hereditary shares is made. If one of the co-heirs objects, the court shall decide. If the coheirs divide the estate in its current state, the encumbered real estate shall be estimated by the same criteria by which the other real estate is estimated, deducting from its value the principal amount corresponding to the performance, according to the rules concerning the redemption of the annuity, unless there is a special agreement concerning the principal amount to be paid for the enfranchisement. Only the heir, in whose share said property falls, shall be obliged to pay the annuity, with the obligation to guarantee the co-heirs.

CIVIL CODE
754
PAYMENT OF DEBTS AND RECOURSE
Heirs shall be liable to creditors for the payment of hereditary debts and burdens personally in proportion to their share in the estate and mortgaged in full. A coheir who has paid over his or her share might reclaim from the other coheirs only that part for which they are to contribute under ART752, although he or she has been subrogated to the rights of creditors.
The co-heir shall retain the right to demand payment of the claim that is personal to him and secured by mortgage, not unlike any other creditor, less the part that he must bear as a co-heir.

CIVIL CODE
755
UNPAID PORTION OF MORTGAGE DEBT OF A CO-HEIR
In case of the insolvency of a co-heir, his or her share of the mortgage debt shall be divided proportionately among all other co-heirs.

CIVIL CODE
756
EXEMPTION OF LEGATEE FROM PAYMENT OF DEBTS
The legatee shall not be legated to pay the debts of the estate, except to the creditors the mortgage action on the legatee's estate and the exercise of the right of partition; but the legatee who has discharged the debt with which the legatee's estate was burdened shall succeed to the creditor's claims against the heirs.

CIVIL CODE
757
RIGHT OF THE HEIR TO HIS SHARE
Each coheir shall be deemed to be the sole and immediate successor in all the property constituting his share or received by him from

the succession, including by purchase by auction, and shall be deemed to have never had title to the other hereditary property.

CIVIL CODE
758
GUARANTEE BETWEEN CO-HEIRS
Coheirs owe each other a guarantee for only harassment and eviction arising from a cause prior to the division.
The guarantee does not take place, if it has been excluded by an express clause in the deed of division, or if the coheir suffers the eviction through his own fault.

CIVIL CODE
759
EVICTION SUFFERED BY A CO-HEIR
If any of the coheirs suffers eviction, the value of the property evicted, computed at the time of the eviction, shall be apportioned among all the coheirs for the purposes of the guarantee established in the preceding article, in proportion to the value that the property attributed to each of them has at the time of the eviction and taking into account the state in which they are at the time of the division.
If one of the coheirs is insolvent, the portion for which he is obligated shall be equally divided between the heir who suffered the eviction and all solvent heirs.

CIVIL CODE
760
INEXECUTABILITY OF CLAIMS
No security shall be due for the insolvency of the debtor of a claim assigned to one of the co-heirs, if the insolvency has arisen only after the division has been made.
Security for the solvency of the debtor of an annuity is due for the five years following the division.

CIVIL CODE
761
ANNULMENT FOR VIOLENCE OR MALICE
A division might be annulled when it is the effect of violence or malice.
The action shall be prescribed in five years from the day on which the violence ceased or on which the malice was discovered.

CIVIL CODE
762
OMISSION OF HEREDITARY PROPERTY
The omission of one or more assets of the estate shall not give rise to nullity of the division, but only to a supplement of the division itself.

CIVIL CODE
763
RESCISSION FOR INJURY
The division might be rescinded when any one of the coheirs proves

that he has been injured more than a quarter.
Rescission is also allowed in the case of a division made by the testator, when the value of the property assigned to any of the coheirs is less than the amount of the share to which he is entitled by more than a quarter.
The action is prescribed in two years from the division.

CIVIL CODE
764
ACTS OTHER THAN DIVISION
The action of rescission is also admitted against any other act that has the effect of causing the community of hereditary property to cease among the coheirs.
The action shall not be admissible against the transaction by which the matters arising out of the division or the act done in lieu thereof were terminated, even though no litigation had been commenced in this regard.

CIVIL CODE
765
SALE OF HEREDITARY RIGHT MADE TO THE CO-HEIR
An action for rescission shall not be allowed against the sale of the right of inheritance made without fraud to one of the coheirs, at his risk, by the other coheirs or by one of them.

CIVIL CODE
766
ESTIMATE OF PROPERTY
In order to know whether there is an injury, the property shall be appraised according to its state and value at the time of the division.

CIVIL CODE
767
FACULTY OF THE CO-HEIR TO GIVE THE SUPPLEMENT
The co-heir against whom the action of rescission is brought might truncate its course and prevent a new division by giving the supplement of the hereditary portion, in money or in kind, to the plaintiff and the other co-heirs who have associated with him.

CIVIL CODE
768
ALIENATION OF THE HEREDITARY PORTION
A co-heir who has alienated his or her portion or a part thereof is no longer eligible to challenge the division on the ground of malice or violence, if the alienation followed when the malice had been discovered or the violence ceased.
The coheir shall not lose the right to bring the appeal, if the sale is limited to objects of easy deterioration or minimal value in relation to the share.

CIVIL CODE
768-BIS
CONCEPT

A family covenant is the contract by which, consistent with the provisions on family business and in compliance with the different types of companies, the entrepreneur transfers, in whole or in part, the business, and the owner of corporate interests transfers, in whole or in part, his shares, to one or more descendants.

CIVIL CODE
768-TER
FORM
Under penalty of nullity, the contract must be concluded by public deed.

CIVIL CODE
768-QUATER.
PARTICIPATION
The spouse and all those who would be legitimates if succession to the entrepreneur's estate opened at that time must also participate in the contract.
The assignees of the business or corporate interests must liquidate the other participants in the contract, if the latter do not waive them in whole or in part, by payment of a sum corresponding to the value of the shares provided for in Articles 536 et seq.; the contracting parties might agree that the liquidation, in whole or in part, shall be in kind.
The property assigned by the same contract to the other participants who are not assignees of the estate, according to the value assigned in the contract, shall be charged to the shares of legitimacy to which they are entitled; the assignment might also be arranged by a subsequent contract that is expressly stated to be related to the first one and provided that the same persons who participated in the first contract or those who replaced them take part in it.
What was received by the contractors is not subject to collation or reduction.

CIVIL CODE
768-QUINQUIES
DEFECTS IN CONSENT
The agreement might be challenged by the participants under Articles 1427 et seq.
The action is prescribed in the period of one year.

CIVIL CODE
768-SEXIES
RELATIONS WITH THIRD PARTIES
At the opening of the entrepreneur's succession, the spouse and other legitimates who did not participate in the agreement might demand from the beneficiaries of the agreement the payment of the sum provided for in the second paragraph of article 768-quater, increased by legal interest.
Failure to comply with the provisions of the first paragraph shall constitute grounds for appeal under article 768-quinquies.

CIVIL CODE
768-SEPTIES

DISSOLUTION
The contract might be dissolved or amended by the same persons who concluded the family pact in the following ways:
(1) by means of a different contract, with the same characteristics and the same prerequisites as in this chapter;
2) by withdrawal, if expressly provided for in the contract itself and, necessarily, by declaration to the other contracting parties certified by a notary public.

CIVIL CODE
768-OCTIES
DISPUTES
Disputes arising from the provisions of this chapter shall be referred in advance to one of the conciliation bodies provided for in article 38 of Legislative Decree No. 5 of January 17, 2003.