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Croatian

Succession

Croatia

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-----English-----

1 How is the disposition of property upon death (will, joint will, agreement on succession) drawn up?

The right of succession and rules under which courts, other authorities and authorised persons proceed in matters of succession are governed by the Succession Act (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) Nos 48/03, 163/03, 35/05 and 127/13).

A disposition of property for the event of death may be drawn up in the form of a will. A will may be made by any person of sound mind who has turned 16 years of age.

Only a will made in the form prescribed by law and subject to the prerequisites provided for by law shall be valid. In ordinary circumstances, a will may be drawn up in the form of a private will or a public will, whereas an oral will may be made in extraordinary circumstances.

A private will is a holographic will and a will made before witnesses. A holographic will is one that is handwritten and signed by the testator. A will before witnesses may be made by a testator who can read and write, by declaring before two simultaneously present witnesses that the document, regardless of who may have drawn it up, is the testator's own will and by signing it in their presence. The witnesses must affix their signatures to the will.

A public will is one made with the participation of public authorities. Any person can make a valid testament in the form of a public will. A person who cannot read or sign their own name may in ordinary circumstances make a testament only in the form of a public will. A public will may, at the request of the testator, be made by one of the legally authorised persons: a municipal court judge, a municipal court adviser and a notary public, and by a consular or diplomatic /consular representative of the Republic of Croatia abroad. The procedure and the actions to be undertaken by an authorised person in drawing up a public will are laid down by law.

A testator wishing to give their will the form of an international will must submit an application to a person authorised to draw up public wills. The purpose of making an international will is to ensure that it is recognised as regards form in the states party to the 1973 Convention Providing a Uniform Law on the Form of an International Will and the states that have incorporated the provisions concerning an international will into their law.

Only in extraordinary circumstances, precluding the making of a will in any other valid form, may a testator make his/her last will orally before two simultaneously present witnesses. Such a will ceases to be valid on expiry of 30 days following the cessation of the extraordinary circumstances in which it has been made.

Agreements as to succession (an agreement by which a person bequeaths his/her own estate or a part thereof to another party to the agreement or to a third person), agreements on future inheritance or legacy (an agreement by which a person alienates an inheritance which he/she expects; an agreement on the inheritance of a third person who is alive; an agreement on the legacy or other benefit that a contracting party expects from the succession that has not been opened yet) and agreements on the contents of the will (an agreement by which a person undertakes to include or not to include a certain provision in his/her will, to revoke or not to revoke a provision in his/her will) are not admissible under Croatian law and are therefore null and void.

Croatian law allows the conclusion of an agreement of transfer and distribution of property during lifetime. It is an agreement that an ancestor (transferor) concludes with his/her descendants, whereby the transferor distributes and transfers to his/her descendants in whole or in part the property held at the time the contract is concluded. The consent of all children and other descendants called upon to inherit from the transferor is required in order for the agreement to be valid. It must be drawn up in writing and attested by a judge of the competent court or composed in the form of a notarial deed or certified (made legally binding) by a notary public. The contract may include the transferor's spouse, whose consent is also required in that case. The property covered by this agreement is not included in the estate nor is it taken into account in determining the value of the estate.

Croatian law does not allow the conclusion of an agreement of waiver of the succession that has not been opened. By way of exception, a descendant who can autonomously dispose of his/her rights may conclude an agreement with the ancestor to waive in advance the inheritance to which the descendant would be entitled upon the ancestor's death. Such an agreement may also be concluded by a spouse in respect of the inheritance that would go to him/her upon the death of his/her spouse. It must be drawn up in writing and attested by a judge of the competent court or composed in the form of a notarial deed or certified (made legally binding) by a notary public.

2 Should the disposition be registered and if yes, how?

The fact that a will has been drawn up, deposited and announced is recorded in the Croatian Register of Wills, administered by the Croatian Chamber of Notaries Public. At the request of the testator, the information concerning these facts is submitted for registration by competent courts, notaries public, attorneys-at-law and the persons who made the will. Registration of wills in the Croatian Register of Wills is not mandatory and the fact that a will is not registered in the Register, or deposited anywhere in particular, does not prejudice its validity.

Before the testator's death, Register information cannot be made available to anyone except the testator or the person explicitly authorised by the testator for that purpose.

In probate proceedings, the court or a notary public conducting the proceedings must request all information about possible wills of the deceased person from the Croatian Register of Wills.

3 Are there restrictions on the freedom to dispose of property upon death (e.g. reserved share)?

The testator's freedom to dispose of property is restricted by the right of forced heirs to a reserved share.

Forced heirs are:

the testator's descendants, adopted children, children in the care of the testator as a partner and their descendants, the testator's spouse or extramarital partner, the testator's life partner or informal life partner – they are entitled to a reserved share amounting to one half of the portion that would have gone to them in the legal order of succession had there been no will;
the testator's parents, adopters and other ancestors – they are entitled to a reserved share only if they are permanently incapacitated to work and indigent, and their reserved share amounts to one third of the portion that would have gone to them in the legal order of succession had there been no will.
Forced heirs are entitled to claim a reserved share only if, in a specific case, they are called to inherit as legal heirs.
Grounds on which the testator may exclude from the will, in whole or in part, an heir entitled to a reserved share are defined by law. The testator may do so if the heir has committed a serious violation against the testator by breaking a legal or moral obligation arising out of the heir's family relationship with the testator; if the heir has intentionally committed a serious crime against the testator or his/her spouse, child or parent; if the heir has committed a crime against the Republic of Croatia or the values protected by international law; if the heir has taken to idleness or a dishonest life. The testator wishing to exclude an heir must explicitly declare so in the will, stating the grounds for exclusion. The reason for exclusion must exist at the time of testation. By exclusion, the heir forfeits the right of succession to the extent of the exclusion itself, and the rights of other persons who may inherit from the testator are determined as if the excluded heir has died before the testator.
In addition to the possibility of excluding forced heirs, the testator may explicitly deprive a descendant entitled to a reserved share of such share in whole or in part if the descendant is heavily indebted or a squanderer. That share, instead of going to the deprived descendant, will go to his/her descendants. Such deprivation remains valid only if, at the time of the testator's death, the deprived person has an under-aged child or an under-aged grandchild from a previously deceased child, or has a child of legal age or a grandchild of legal age from a previously deceased child who are incapacitated to work and indigent. The deprived heir inherits from the testator in respect of the share not covered by the deprivation and also when the prerequisites for the deprivation no longer exist at the time of the testator's death.

4 In the absence of a disposition of property upon death, who inherits and how much?

If the testator has left no will, under the law they are succeeded by his/her legal heirs in orders of succession, with the principle that heirs nearer in succession exclude from the succession heirs more distant in succession applying.
The testator's legal heirs are his/her:
descendants, adopted children and children in the care of the testator as a partner and their descendants,
spouse,
extramarital partner,
life partner,
informal life partner,
parents,
adopters,
siblings and their descendants,
grandparents and their descendants,
other ancestors.
In respect of the right of succession, an extramarital partner is equal to a spouse, while children born out of wedlock and their descendants are equal to children born in wedlock and their descendants. An extramarital union which gives the right to legal succession is a life union between an unmarried woman and an unmarried man which has lasted for some time (at least three years or less if a common child has been born to such a union) and has ceased upon the testator's death, provided that the prerequisites for the validity of marriage have been met.
In respect of the right of succession, a life partner is equal to a spouse, and the children in his/her care as a partner are equal to his/her own children. A life partnership is a union of family life between two persons of the same sex entered into before a competent authority, in accordance with the provisions of a special law (the Same-Sex Partnership Act).
In respect of the right of succession, an informal life partner is equal to an extramarital partner. An informal life partnership is a union of family life between two persons of the same sex who have not entered into a life partnership before a competent authority, provided that the union has lasted for at least three years and has met the prerequisites for the validity of a life partnership from the outset.
The testator's descendants and spouse are in the first order of succession. The heirs in the first order of succession inherit in equal parts. *Per stirpes* distribution applies in this order of succession, so the share of the estate that would have gone to a previously deceased child had he/she survived the testator is inherited in equal parts by his/her children, the testator's grandchildren; if any of the grandchildren have died before the testator, the share that would have gone to that grandchild had he/she been alive at the time of the testator's death is inherited in equal parts by his/her children, the testator's great-grandchildren, and so on as long as there are any testator's descendants left.
A testator who has left no offspring is inherited by heirs in the second order of succession – the testator's parents and spouse. The testator's parents inherit one half of the estate and the testator's spouse inherits the other half. If both parents have died before the testator, the spouse inherits the entire estate. If the testator is not survived by the spouse, the testator's parents inherit the entire estate in equal parts; if one of the testator's parents has died before the testator, the share of the estate that would have gone to that parent had he/she survived the testator is inherited by the other parent. The testator's siblings and their descendants inherit from the testator in the second order of succession if the testator is not survived by the spouse and if one or both of the testator's parents have died before the testator. In that case (if one or both of the testator's parents have died before the testator who is not survived by the spouse), the share of the estate which would have gone to each parent had he/she outlived the testator is inherited by their children (the testator's siblings), their grandchildren, great-grandchildren and further descendants, in accordance with the rules that apply to the cases in which the testator is inherited by his /her children and other descendants. If one of the testator's parents has died before the testator who is not survived by the spouse, without leaving any descendants, the share of the estate that would have gone to that parent had he/she outlived the testator is inherited by the other parent; if the other parent has also died before the testator who is not survived by the spouse, the descendants of that parent inherit what would have gone to both parents.
A testator who has left no descendants or spouse or parents, or whose parents have left no descendant is inherited by heirs in the third order of succession. In the third order of succession, the testator is succeeded by the testator's grandparents, with one half of the estate being inherited by the grandparents on the father's side and the other half by the grandparents on the mother's side. The grandparents from the same line inherit in equal parts. If one of these ancestors from one line has died before the testator, the share of the estate that would have gone to that ancestor had he/she outlived the testator is inherited by his/her descendants (children, grandchildren and further descendants), in accordance with the rules that apply to the cases in which the testator is inherited by his/her children and other descendants. If the grandparents from one line have died before the testator without leaving any descendants, the share of the estate that would have gone to them had they outlived the testator is inherited by the grandparents from the other line or their descendants.
A testator who has left no descendants or parents, or if these have left no descendant or spouse or grandparents who have left no descendants either, is inherited by heirs in the fourth order of succession. The testator's great-grandparents are in the fourth order of succession. One half is inherited by the great-

grandparents on the father's side (this half is inherited in equal parts by the parents of the testator's paternal grandfather and the parents of the testator's paternal grandmother) and one half is inherited by the great-grandparents on the mother's side (this half is inherited in equal parts by the parents of the testator's maternal grandfather and the parents of the testator's maternal grandmother). If any of these ancestors is no longer alive, the share that would have gone to him/her had he/she been alive is inherited by the ancestor who was his/her spouse. If one couple of these ancestors is not alive, the shares that would have gone to them had they been alive are inherited by the other couple from the same line. If the great-grandparents from one line are not alive, the share of the estate that would have gone to them had they been alive is inherited by the great-grandparents from the other line.
If there are no heirs in the fourth line of succession, the testator is succeeded by his/her more distant ancestors, in accordance with the rules of succession applying to his/her great-grandparents.

5 What type of authority is competent:

5.1 in matters of succession?

Probate proceedings in the first instance are conducted before a municipal court or before a notary public, as a trustee of the court.
Territorial jurisdiction of the municipal court to conduct probate proceedings is determined according to the testator's domicile at the time of death and, subordinately, according to the place of residence, the place where the predominant part of his/her estate is located in the Republic of Croatia or according to the place where the testator is registered in the Register of Citizens. The court entrusts the conduct of probate proceedings to notaries public, and where several notaries public have their registered offices in the territory of the court, cases are assigned to them evenly in alphabetical order by the surname of the notary public.

5.2 to receive a declaration of waiver or acceptance of the succession?

A declaration of acceptance or waiver of a succession (declaration of succession) may be made orally before any municipal court, before the probate court or the notary public who conducts the probate proceedings, or else a certified document containing a declaration of succession may be presented to the probate court or the notary public conducting the probate proceedings.
A declaration of acceptance or waiver of the succession may not be revoked.
Making a declaration of succession is not mandatory. A person who has not made a declaration of waiver of the succession is deemed to wish to be an heir.
A person who has made a valid declaration of acceptance of the succession may not waive it afterwards.

5.3 to receive a declaration of waiver or acceptance of the legacy?

A declaration of waiver or acceptance of a legacy may be made orally before the probate court or the notary public conducting the probate proceedings, or a certified document containing a declaration of waiver or acceptance of the legacy may be presented to the probate court or the notary public conducting the probate proceedings.

5.4 to receive a declaration of waiver and acceptance of a reserved share?

The right to a reserved share is a hereditary right which is acquired upon the testator's death. A forced heir may make a declaration of acceptance or waiver of a reserved share orally before any municipal court, before the probate court or the notary public conducting the probate proceedings, or may present a certified document containing a declaration of succession to the probate court or the notary public conducting the probate proceedings.
The right to a reserved share is exercised in probate proceedings only at the request of a forced heir – if, in probate proceedings, a forced heir does not claim a reserved share, the court or the notary public is not required to establish his/her right to a reserved share.

6 Short description of the procedure to settle a succession under national law, including the winding-up of the estate and sharing out of the assets (this includes information whether the succession procedure is initiated by a court or other competent authority on its own motion)

Probate proceedings are non-contentious proceedings to establish who the testator's heirs are, what constitutes the testator's estate and what other rights in respect of the estate belong to the heirs, legatees and other persons.
Probate proceedings are conducted by a municipal court or a notary public, as a trustee of the court. A municipal court having territorial jurisdiction to conduct probate proceedings is also called a probate court. Territorial jurisdiction of the municipal court to conduct probate proceedings is determined according to the testator's domicile at the time of death and, subordinately, according to the place of residence, the place where the predominant part of his /her estate is located in the Republic of Croatia or according to the place where the testator is registered in the Register of Citizens.
Probate proceedings are instituted *ex officio* after the court receives a death certificate, an excerpt from a register of deaths, or an equivalent document. The court entrusts the conduct of probate proceedings to a notary public with his/her registered office in its territory, delivers the death certificate to him/her and sets a time frame for the conduct of the proceedings. A notary public conducts the proceedings as a trustee of the court pursuant to a court decision entrusting the conduct of the proceedings to him/her and pursuant to the provisions of the Succession Act. As a rule, probate proceedings are conducted by a notary public as a trustee of the court and only exceptionally by the court.
Where a notary public conducts actions in probate proceedings as a trustee of the court, he/she is authorised, as a judge or a municipal court adviser would be, to take all the necessary actions in the proceedings and make all decisions except those in respect of which the Succession Act prescribes otherwise. If, in proceedings before a notary public, the parties dispute the facts on which one of their rights depends (e.g. the right of succession, the size of the inheritance share, etc.), or on which the composition of the estate or the subject of the legacy depends, the notary public must return the file to the court in order for the court to decide on a stay of the proceedings and instruct the parties to take civil or administrative action. If, in proceedings before a notary public, the parties dispute the facts on which the right to a testamentary legacy or other right depends, the notary public must return the file to the court, which will instruct the parties in that case to take civil or administrative action but will not stay the probate proceedings. In specific cases provided for by the Act (deciding on the separation of the estate from an heir's property, on the right of co-heirs who had lived or earned in a union with the testator and on the division of household effects), the notary public may render decisions only with the consent of all parties to the proceedings, otherwise the notary public must also return the file to the court. A court which has entrusted the conduct of probate proceedings to a notary public monitors his/her work on an ongoing basis.
A probate hearing is the main part of probate proceedings, and one or more such hearings may be held.
A probate hearing is not held if the deceased has left no estate or if the testator has left only movable property and equivalent rights, and none of the persons called to inherit demands that probate proceedings be conducted.
The parties (heirs, legatees, other persons exercising a right in respect of the estate), persons who might lawfully lay a claim to the inheritance (where a will exists), the executor of the will (if designated) and other interested persons are summoned to a probate hearing. In the summons to a hearing, the court or notary public will notify interested persons of the initiation of proceedings and of whether any will has been presented to him/her/it, and will summon interested persons to immediately present a written will or a document certifying the oral will, if it is in their possession, or to name the witnesses to the oral will. Such interested persons will be specifically advised in the summons that, until a first-instance decision on succession is rendered, they may make a declaration of waiver of the succession orally at the hearing or publicly by a certified document and that, by failing to appear at the hearing or make such a declaration, they will be deemed to wish to be heirs.
Any issues relevant to rendering a decision in probate proceedings, in particular the right to the inheritance, the size of the inheritance share and the right to legacies, will be discussed at a probate hearing. The court or the notary public renders a decision based on the results of all hearings. The court or the notary

public is authorised to establish facts which the parties to the proceedings have not presented and also to present evidence which they have not proposed, if the court or the notary public finds that such facts and evidence are relevant to decision making. The court or the notary public decides on the rights, as a rule, after making it possible for the interested persons to make necessary declarations. The rights of any persons who, although duly summoned, have not appeared at the hearing will be deliberated on by the court or the notary public based on the information available to the court or the notary public, taking into account written declarations of such persons arriving until a decision is reached.

Declarations of succession are declarations by which an heir accepts or waives the succession. Anyone is authorised, but no one is obliged, to make a declaration of succession. A person who has not made a declaration of waiver of the succession is deemed to wish to be an heir. A person who has made a valid declaration of acceptance of the succession may not waive it afterwards. The court or the notary public will not require anyone to make a declaration of succession, but an heir who wishes to make such declaration may do so orally before the probate court or the notary public conducting the probate proceedings or before any other municipal court, or by presenting a certified document containing a declaration of succession to the probate court or the notary public conducting the probate proceedings. In making a declaration of waiver of the succession, the court or the notary public must warn the heir of the consequences of such declaration and must advise the heir that a waiver of the succession may be made in his/her own name only, as well as in his/her own name and in the name of his/her descendants.

The court will stay the probate proceedings and instruct the parties to take civil or administrative action if the parties dispute the facts on which one of their rights, the composition of the estate or the subject of the legacy depends. The party whose right is considered by the court as less plausible will be instructed to take civil or administrative action. If the parties dispute the facts on which the right to a testamentary legacy or other right depends, the court will instruct the parties to take civil or administrative action, but will not stay the probate proceedings.

On completion of the probate proceedings, the court or the notary public will render a decision on succession. Since, under Croatian law, succession is effected *ipso iure* at the time of the testator's death, a decision on succession is of a declaratory nature. The decision defines who has become heir after the testator's death and what rights have been acquired by other persons. The contents of the decision are laid down by the Succession Act, and the decision contains information about: the testator (surname and name, personal identification number, name of one of the parents, date of birth, nationality, and for people who died in marriage their surname before marriage); the composition of the estate (designation of real estate with details from land books required for registration; designation of movable property and other rights which the court has found to be part of the estate); heirs (surname and name, personal identification number, domicile, heir's relationship to the testator, whether they inherit as a legitimate or testamentary heir; if there are several heirs, the inheritance share of each heir expressed by fraction); limitation or encumbrance on the heir's rights (whether the heir's right is subject to a condition, a time limit or an instruction and if so, whether and how it is otherwise limited or encumbered and to whose benefit); persons entitled to a legacy or some other right arising from the estate, with an exact designation of such right (person's surname and name, personal identification number, domicile). A decision on succession is delivered to all heirs and legatees, as well as to persons who have applied for succession during the proceedings; on becoming final, it is also delivered to the competent tax authority. In a decision on succession, the court or the notary public will instruct that, once the decision on succession becomes final, requisite entries be made in the land register in accordance with the rules of the land registry law and that the movable property which is in the safekeeping of the court, the notary public or, on their instruction, a third person be handed over to the authorised persons.

Before rendering a decision on succession, the court or the notary public may, upon a legatee's request, render a separate decision on the legacy, provided that such legacy is not contested by the heirs. Where the composition of the estate is only partly undisputed, a partial decision on succession may be rendered to establish the heirs and legatees and what is not disputed as being part of the estate.

A decision brought by a notary public, as a trustee of the court in probate proceedings, may be subject to objection. An objection is lodged to the notary public within eight days of decision delivery to the parties, and the notary public is required to submit it without delay to the competent municipal court, together with the file. Objections are deliberated by a single judge. Any untimely, incomplete or inadmissible objections will be overruled by the court. In deciding on an objection against a decision brought by a notary public, the court may keep the decision in force in whole or in part or rescind it. Where the decision is rescinded (in whole or in part), the court itself will deliberate on the rescinded part of the decision. A court decision rescinding the notarial decision in whole or in part may not be subject to individual appeal. A decision on the objection will be served on the parties and the notary public.

Decisions rendered by a first-instance court in probate proceedings may be subject to appeal if not provided for otherwise by the Succession Act. An appeal may be lodged within fifteen days of delivery of the first-instance court decision. An appeal may be lodged to the first-instance court which, deciding on the appeal lodged in a timely fashion, may render a new decision altering the contested decision, provided that it does not violate the rights of other persons which are based on that decision. If the first-instance court does not alter its decision, it will send the appeal to the second-instance court, irrespective of whether the appeal has been lodged within the time limit laid down by law. As a rule, the second-instance court decides only on appeals lodged in a timely fashion, but it can also take into consideration an appeal not lodged in good time, provided that that does not violate the rights of other persons based on the contested decision.

Extraordinary legal remedies are not permitted in probate proceedings.

7 How and when does one become an heir or legatee?

One becomes an heir, either legitimate o testamentary, *ipso iure* (by operation of law) at the time of the testator's death. At that time, the heir acquires a hereditary right and the deceased's estate passes to him/her by force of law, becoming his/her inheritance. A declaration of acceptance of the succession is not required for acquiring a hereditary right. An heir who does not wish to be an heir is entitled to waive a succession until a first-instance decision on succession is rendered.

A legatee acquires a right to a legacy at the moment of the testator's death.

Probate proceedings establishing who the testator's heirs are, what constitutes the testator's estate and what other rights in respect of the estate attach to the heirs, legatees and other persons, are described in the answer to question No 6 relating to probate proceedings.

8 Are the heirs liable for the deceased's debts and, if yes, under which conditions?

Heirs who have not waived the succession are jointly and severally liable for the testator's debts, each up to the value of his/her inheritance share.

9 What are the documents and/or information usually required for the purposes of registration of immovable property?

For the purposes of registration in the land register, the following documents need to be submitted to the Land Register Department of the Municipal Court in whose territory the property is located:

a proposal for registration;

a document on the basis of which title is obtained (the legal basis for obtaining title – an agreement of sale, a contract of gift, a maintenance agreement, a decision on succession, etc.) in original or a certified transcript;

proof of the nationality of the title's transferee (a citizenship certificate, a certified copy of the passport, etc.) or proof of the status of the legal person (an extract from the register of companies) if the transferee is a foreign legal person;

where an applicant is represented by an attorney, a power of attorney needs to be provided in original or certified copy;

if an applicant has not designated an attorney to represent him/her and he/she is abroad, the applicant is obliged to designate an attorney resident in Croatia to receive documents;
proof of payment of a court fee of the amount of HRK 200.00, heading No 16, and a stamp duty of HRK 50.00, heading No 15, in accordance with the Court Fees Act (NN Nos 74/95, 57/96, 137/02, 26/03, 125/11, 112/12 and 157/13).

9.1 Is the appointment of an administrator mandatory or mandatory upon request? If it is mandatory or mandatory upon request, what are the steps to be taken?

Mandatory appointment of an administrator of the estate is not provided for by Croatian law. The reason for it is that the estate passes to the heirs by operation of law at the time the succession is opened (when the testator dies or is declared dead).
However, Croatian law stipulates that, in specific cases, the probate court will appoint a temporary guardian of the estate. It will do so when heirs are unknown or their whereabouts are unknown or they are out of reach, and in other cases as necessary. The temporary guardian of the estate is authorised to sue or be sued, collect claims or pay debts on behalf of the heirs and represent the heirs. Where necessary, the court may define special rights and duties of the guardian of the estate. The court may also appoint a guardian of the estate which has been separated from the heirs' property at the request of the testator's creditors.

9.2 Who is entitled to execute the disposition upon death of the deceased and/or to administrate the estate?

The estate is administered by the heirs, with the exception of that which has been entrusted to the executor of the will or guardian of the estate.
The testator may designate by will one or more executors of the will. A person designated as an executor of the will is not required to accept such duties. The duties of the executor of the will are specified by the testator in the will. If the testator has not made a specific instruction, the duties of the executor are in particular to:
take care and do what is necessary for the safekeeping of the estate on behalf and for the account of the heirs;
administer the estate;
do what is necessary for the payment of debts and legacies on behalf and for the account of the heirs.
In doing so, the executor must take care in every respect that the will is executed as desired by the testator.

9.3 What powers does an administrator have?

Under Croatian law, an administrator is not appointed as a rule. The reason for it is that the estate passes to heirs by operation of law at the time the succession is opened (when the testator dies or is declared dead). The heir administers and disposes of everything that constitutes the inheritance. If there are several heirs, until it is determined what shares of the inheritance right belong to each heir, the co-heirs administer and dispose of everything that constitutes the inheritance as joint owners, with the exception of that which has been entrusted to the executor of the will or guardian of the estate.
After a final decision on succession determines what shares of the inheritance right belong to each heir, everything that until then has been common property is administered and disposed of by the co-heirs, up to the time of estate dissolution, according to the rules under which coheirs administer and dispose of property, with the exception of that which has been entrusted to the executor of the will or guardian of the estate.

10 Which documents are typically issued under national law in the course of or at the end of succession proceedings proving the status and rights of the beneficiaries? Do they have specific evidentiary effects?

In the course of proceedings, if an executor of the will has been designated, the court will issue to him/her, at his/her request and without delay, a certificate proving the executor's capacity and powers, with an instruction to anyone that the executor's declarations are to be taken as if they were the testator's own. Whoever acts in good faith, in accordance with the declaration of the person who has identified himself/herself with a court certificate as being the executor of the will, will not be liable for any resulting damage to the heirs. If the court dismisses the executor of the will, he/she is obliged to return to the court, without delay, the certificate proving his/her capacity and powers, or he/she will be liable for any damage that may result from it.
On completion of the probate proceedings, a decision on succession is rendered. That decision determines who has become the testator's heir upon his/her death and what rights have been acquired thereby by other persons as well. Since, under Croatian law, one becomes an heir *ipso iure*, the purpose of establishing who the heir is is not to acquire the inheritance right or to acquire the inheritance itself (both have happened at the time of the testator's death), but only to enable and facilitate the exercise of the rights and obligations acquired by inheritance.
The effect of the final decision on succession is that the final decision on succession is deemed to have determined the composition of the estate, who the testator's heir is, the size of the inheritance share that belongs to him/her, whether his/her inheritance right is limited or encumbered and if so, how, as well as whether there are any rights to legacies and if so, which.
What is determined by the final decision on succession may be contested by a person who, under the provisions of the Succession Act, is not bound by the finality of the decision on succession, by civil action with the persons benefiting from the finding whose veracity he/she contests.
The final decision on succession is not binding on persons claiming entitlement to a right to what has been determined as being part of the estate, provided that they have not participated in the probate hearing as parties and have not been duly summoned to it in person either. Also, such decision is not binding on persons who claim that because of the testator's death they are entitled to the inheritance right based on the will or law, or that they are entitled to a legacy, provided that they have not participated in the probate hearing as parties and have not been duly summoned to it in person either.
By way of exception, persons who have participated in the probate hearing as parties or have been duly summoned to it are not bound by the final decision on succession in respect of any rights to their benefit arising out of a will found subsequently; in respect of the rights determined in civil or administrative proceedings (which they have been instructed to institute) after the decision on succession becomes final; provided that the prerequisites under which they might require in civil action that the proceedings be repeated have been fulfilled.

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