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Law of Inheritance

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Chapter 1
general settings

§ 1. Inheritance and inheritor

(1) Inheritance is the transfer of a person's property to another person upon his death.

(2) An executor is a person whose property is transferred to another person upon his death.

§ 2. Inheritance

The inheritance is the property of the testator. Inheritance is not the rights and obligations of the legatee, which by law or by their nature are inseparably linked to the person of the legatee.

§ 3. Opening of inheritance

(1) Inheritance opens upon the death of a person.

(2) The time of opening of inheritance is the date of death of the testator.

(3) The place of opening of inheritance is the last place of residence of the testator.

§ 4. Transfer of the inheritance to the heir

(1) When the inheritance is opened, the inheritance is transferred to the heir.

(2) The heir may renounce the inheritance in accordance with the procedure provided for in this Act.

§ 5. Ability to inherit

(1) The capacity to inherit is the capacity of a person to inherit.

(2) Every person with legal capacity is capable of inheriting.

(3) The heir may be a natural person who is alive at the time of the death of the testator, or a legal person who exists at that time.

(4) A child born alive after the opening of the inheritance is considered capable of inheriting at the time of the opening of the inheritance, if he was conceived before the opening of the inheritance.

(5) A foundation established on the basis of a will or inheritance agreement is deemed to exist at the time of the opening of the inheritance, if it later acquires the rights of a legal entity.

§ 6. Ineligibility for inheritance

(1) An ineligible person is a person who:
1) intentionally and unlawfully caused the death of the testator or attempted to do so;
2) intentionally and unlawfully placed the testator in a situation in which the latter was unable to make or revoke the statement of the last will until his death;

3) by coercion or fraud prevented the testator from making or changing the statement of last will or in the same way forced him to make or cancel the statement of last will, if the testator was not able to express his actual last will;
4) intentionally and unlawfully removed or destroyed the will or inheritance contract, if the testator was no longer able to renew it;
5) falsified the will or succession agreement made by the testator or its part.

(2) The legal heir of a child cannot be his parent, from whom the court has completely taken away the right of custody.
[RT I, 29.06.2014, 3 - enters into force. 09.07.2014]

(3) The provisions of this section also apply to the beneficiaries and other persons who have the right to receive any benefit from the inheritance.

§ 7. Consequences of disinheritance

If the heir is ineligible, the person entitled to inherit is the person who would have inherited if the ineligible person had died before the opening of the inheritance.

§ 8. Action for declaration of ineligibility

(1) In the event of a dispute, the court may declare a person ineligible for inheritance at the request of an interested party.

(2) The limitation period for the claim specified in subsection 1 of this section is six months from the date of learning of the reasons for ineligibility, but no longer than ten years from the day the inheritance was opened.

(3) The claim specified in subsection 1 of this section may be submitted after the inheritance has been opened. The claim referred to in subsection 1 may be submitted to the successor as soon as the inheritance is transferred to the predecessor.

§ 9. Foundations of inheritance

(1) Inheritance is based on the law (legal inheritance) or the last will of the testator, which is published in the will (inheritance according to the will) or in the inheritance agreement (inheritance according to the inheritance agreement).

(2) The right of inheritance according to the inheritance contract is preferred to the right of inheritance according to the will, but both of them are preferred to the right of inheritance according to the law.

Chapter 2
INHERITANCE BY LAW

§ 10. Application of statutory inheritance

(1) Inherited according to the law, if the testator has not left a valid will or inheritance contract.

(2) If the testator's will or succession agreement applies only to a part of the inheritance, the remaining part is inherited according to the law.

§ 11. Legal heirs

(1) Legal heirs are the testator's spouse and the relatives specified in this Act.

(2) On the basis provided in § 18 of this Act, the legal heir is a local government unit or the state.

§ 12. Relatives as legal heirs

(1) Relatives inherit in three orders.

(2) Heirs of the second rank inherit if there are no heirs of the first rank.

(3) The heirs of the third rank inherit if there are no heirs of the first and second rank.

(4) The provisions regarding the statutory inheritance of relatives shall be applied, taking into account the right of the surviving spouse of the testator to the inheritance provided for in § 16 of this Act.

§ 13. Legal heirs of the first rank

(1) The legal heirs of the first rank are the descendants of the testator.

(2) If at the time of the testator's death a relative of the testator's successor is alive, the descendants of this relative who are related to the testator through him will not inherit.

(3) Those descendants who are related to the testator through a relative of the deceased descendent take the place of the relative of the deceased before the death of the testator.

(4) If the testator and the heir died on the same day and it is not possible to determine which of them died earlier, they are deemed to have died at the same time. In this case, they do not inherit from each other and the provisions of subsection 3 of this section apply.

(5) The testator's children inherit in equal shares. Children who have taken the place of a deceased parent inherit in equal shares the part of the inheritance to which their deceased parent would have been entitled.

§ 14. Legal heirs of the second rank

(1) The legal heirs of the second rank are the testator's parents and their descendants.

(2) If both parents of the testator are alive at the time the inheritance is opened, they inherit the entire inheritance in equal shares.

(3) If the testator's father or mother is not alive at the time of the opening of the inheritance, his or her descending relatives take the place of the deceased parent in accordance with the provisions on first-order heirs.

(4) If the deceased parent has no descending relatives, the entire inheritance is inherited by the other parent of the testator. If the second parent is also dead, his descendants inherit according to the provisions regarding first-order heirs.

§ 15. Legal heirs of the third rank

(1) The legal heirs of the third order are the testator's grandparents and their descendants.

(2) If all grandparents are alive at the time the inheritance is opened, they inherit the entire inheritance in equal shares.

(3) If a paternal or maternal grandparent is dead by the time the inheritance opens, his or her descending relatives take his place. If he does not have them, his share will be inherited by the other grandparent on the same side. If the second grandparent is also dead, his descendants inherit.

(4) If both paternal or maternal grandparents have died by the time the inheritance opens and they have no descending relatives, the grandparents of the other side or their descending relatives inherit.

(5) When relatives of descendants take the place of their parents, the provisions regarding heirs of the first rank apply.

§ 16. Spouse as legal heir

(1) Together with the testator's relatives, the testator's surviving spouse inherits according to the law:
1) next to the heirs of the first order, equally with the testator's child's share, but not less than one fourth of the inheritance;
2) half of the inheritance in addition to the heirs of the second rank.

(2) If there are no relatives from the first or second order, the testator's spouse inherits the entire inheritance.

(3) In addition to his share of the inheritance, the spouse of the testator may demand the establishment of the property right provided for in § 227 of the Property Law Act to the immovable property that was the joint home of the spouses, provided that the standard of living of the testator's spouse would deteriorate due to the inheritance.

(4) The surviving spouse does not have the right to inheritance or the right to the first part, if the testator had submitted a claim for divorce to the court before his death or had given written consent to the divorce, as well as if the testator was entitled to demand the annulment of the marriage at the time of his death and had submitted a corresponding claim to the court .

§ 17. Spouse's right to the first part

(1) If the testator's surviving spouse inherits together with the heirs of the second order, he or she will receive, in addition to the portion of the inheritance, the common furnishings of the joint home of the spouses, if they are not inheritances of immovable property.

(2) The provisions on inheritance apply to the pre-partition.

§ 18. The statutory right of inheritance of the local self-government unit and the state

(1) In the absence of the heirs specified in subsection 11 of § 11 of this Act, the legal heir is the local government unit of the place of opening of the inheritance.

(2) If the inheritance has opened in a foreign country and Estonian law applies to the inheritance, in the absence of the heirs specified in § 11 subsection 1 of this Act, the legal heir is the Republic of Estonia.

Chapter 3
INHERITANCE BY TESTAMENT

Section 1
Testament

§ 19. Definition of a will

(1) A will is a unilateral transaction by which the testator (hereinafter *the testator*) makes arrangements for the inheritance in the event of his death.

(2) The testator makes the will personally.

§ 20. Types of will

(1) A will can be notarial or domestic.

(2) A notarial will may be a notarized will or a will deposited with a notary.

(3) A domestic will may be a will signed in the presence of witnesses or handwritten.

§ 21. Notarized will

(1) A notary certifies a will that he has drawn up in accordance with the testator's statement of will or that has been presented to him by the testator for certification.

(2) The testator signs the will in the presence of a notary public.

§ 22. Will deposited with a notary

(1) The testator may make a notarial will by personally submitting the statement of his last will in a sealed envelope to the notary and confirming to the notary that it is his will. The notary prepares a notarial deed on depositing the will, which is signed by the testator and the notary.

(2) The testator may withdraw the will deposited with the notary at any time. The notary prepares a notarial deed about revocation, which is signed by the testator and the notary.

§ 23. A will signed in the presence of witnesses

(1) The testator may make a domestic will, which he signs in the presence of at least two competent witnesses and in which he notes the date and year of making the will. Witnesses must be present at the signing of the will at the same time.

(2) The testator must inform the witnesses that they have been called as witnesses to the making of the will and that the will contains his last will. It is not required that the witnesses know the content of the will.

(3) Immediately after the testator has signed the will, the witnesses shall sign it. With their signature, the witnesses confirm that the testator has signed the will himself and that, according to their understanding, the testator is capable of acting and making decisions.

(4) A witness may not be a person in whose favor a will is made in favor of himself or his ascendant or descendent relative, brother or sister or their descendent relative or spouse or spouse's ascendant or descendent relative.

(5) If the prohibition provided for in subsection 4 of this section has been violated during the making of the will, only those orders in the will that were made in violation of the prohibition are void.

§ 24. Handwritten testament

(1) The testator may make a domestic will by writing it from beginning to end with his own hand and noting the date and year of making the will. A handwritten will is signed by the testator himself.

(2) If a handwritten will has been submitted to a notary and the notary has drawn up a notarial deed on the basis of the Attestation Act, it is valid as a notarized will.

(3) If witnesses have also signed a handwritten will, it is valid as a handwritten will and the provisions of subsections 4 and 5 of § 23 of this Act shall not apply to it.

§ 25. Period of validity of a domestic will

(1) A domestic will becomes invalid if six months have passed since the day it was made and the testator is living at that time.

(2) If the date and year of its making are not indicated in the domestic will, and it is also not possible to identify the time of making the will in any other way, the will is void.

§ 26. Keeping a domestic will

(1) The testator may keep the will at home himself or give it to another person to keep.

(2) Upon learning of the testator's death, the person to whom the testator has deposited the will or who has the will on another basis is obliged to submit the will to a notary without delay. The notary issues a document on depositing the will to the testator at home, which is signed by the testator and the notary.

(3) If the person specified in subsection 2 of this section has wrongfully removed the will or concealed it, the person interested in the inheritance has the right to demand compensation from the guilty party for the part of the inheritance that he did not receive from the other heirs.

§ 27. Testing age

A minor who is at least 15 years old can make a will in a notarized form. A minor does not need the consent of his legal representative to make a will.

Section 2
Contents of the will

Section 1
General settings

§ 28. Interpretation of the will

The will is interpreted based on the real will of the testator.

§ 29. Naming of persons and things in the will

(1) When naming persons and things in a will, it is sufficient to name or describe them in a way that leaves no doubt as to the will of the testator.

(2) If there is no doubt about the will of the testator, the validity of the will is not affected by an error in the naming or description of things or persons, or by the fact that the property or characteristic of the person or thing named in the will has subsequently disappeared.

§ 30. Testament for the benefit of a circle of certain persons

If the testator has made an order in the will for the benefit of a certain group of persons without specifying the persons, it is assumed that the order has been made for the benefit of all those who, at the time of the opening of the inheritance, belonged to the group of persons indicated in the will, unless otherwise stated in the will.

§ 31. Will in favor of a relative of the testator who dies after making the will

If the testator has made an order in the will in favor of a relative of the decedent who dies after making the will, but before the opening of the inheritance, leaving behind the relatives of the decedent, it is assumed that the order has also been made in favor of the relatives of the decedent to the extent of the part of the inheritance that they would legally receive in the event of taking the place of the relative of the deceased decedent inheriting, unless the will states otherwise.

§ 32. Prerequisites for the invalidity of a will made in favor of the spouse

(1) A will or a part of it made by the testator in favor of his spouse is void if:
1) the marriage has ended before the death of the testator;
2) before his death, the testator had submitted a claim for divorce to the court or had given his written consent to the divorce;
3) at the time of his death, the testator was entitled to demand the annulment of the marriage and had submitted a corresponding claim to the court.

(2) The will is not void if it can be assumed that the testator would have made it also in the case specified in subsection 1 of this section.

§ 33. Order to use inheritance for charity

If the testator has made an order in the will to use the inheritance or part of it for charity, without specifying the order, it is assumed that the order was made in favor of the local government unit of the testator's last place of residence with the obligation to use the inheritance or part of it for charity.

§ 34. Description of a person in a will

If the testator has made an arrangement in the will for the benefit of a person whom he has described in a way that refers to several persons, and it is not clear who is meant, it is assumed that the arrangement has been made for the benefit of all those persons in equal shares.

§ 35. Conditional order

(1) The testator may name the heir in the will or determine the bequest with a postponing condition or by setting a deadline.

(2) The testator may also make other orders with a postponing or canceling condition or with a specified deadline in the will.

§ 36. Condition for the heir receiving the inheritance

(1) If the heir is named with a condition (§ 35 subsection 1) and the heir is also assigned a bequest in the will, the condition also applies to the bequest, unless otherwise stated in the will.

(2) If the bequest is assigned to the heir with a condition (§ 35 subsection 1), the legatee's status as an heir does not depend on this condition, unless the will states otherwise.

§ 37. Order with deferral condition

If the testator has made an order with a deferral condition in the will, the order is valid only if the person in whose favor the order is made is alive when the condition occurs, unless otherwise stated in the will.

§ 38. Additional arrangement

If the testator has expressed the will to make further arrangements in the future, but has not made them, the will is valid if the testator has not made the validity of the will dependent on these arrangements.

Section 2
A testamentary heir

§ 39. Appointment of the heir

(1) A testamentary heir is a person to whom the testator has bequeathed all of his property or an imaginary part (fraction) of it by will.

(2) If the will concerns a part of the inheritance, the remaining part of the inheritance is inherited according to the law, if no inheritance contract has been concluded for this part.

(3) If the testator has named his sole heirs in the will, but the parts of the inheritance left to them together do not constitute the entire inheritance, the share of the inheritance of each is increased in proportion to the size of the part specified in the will.

(4) If the combined parts of the inheritance left to the heirs named in the will are larger than the total inheritance, each person's part of the inheritance is reduced in proportion to the size of the part specified in the will.

§ 40. Naming of heirs without assigning inheritance shares

(1) If the inheritance shares of the heirs named in the will are undetermined, their inheritance shares are considered equal.

(2) If several heirs are named in the will, some of whom have been assigned a share of the inheritance, those heirs whose share is undetermined inherit the part of the inheritance not covered by the inheritance shares in equal shares.

(3) If the parts of the inheritance specified in subsection (2) of this section together form a whole or exceed it, all parts of the inheritance are proportionally reduced to the extent that the heir whose share has not been determined receives the same share of the inheritance as the heir who receives the smallest part.

(4) If relatives are named as heirs in the will without specifying their persons and inheritance shares, inheritance takes place in the same manner as statutory inheritance.

§ 41. Heirs of one part of the inheritance

If some of the heirs are named as recipients of the same part of the inheritance, the provisions regarding the inheritance as a whole apply to this joint part of the inheritance.

Section 3
Substitute

§ 42. Appointment of a successor

(1) The testator may appoint one or more deputy heirs in the place of the heir in the event that the person designated as the heir dies before the opening of the inheritance, renounces the inheritance or is ineligible for inheritance.

(2) If it is not clear from the will for which case specified in subsection 1 of this section the deputy heir has been named, it is considered that the deputy heir has been named for all these cases.

(3) When naming the deputy heirs, the testator may determine the order in which the deputy heirs become heirs.

§ 43. Becoming an heir of a substitute heir

(1) A substitute heir becomes an heir if the condition for which he was appointed occurs (§ 42).

(2) The second and subsequent deputy heirs do not lose the right to inherit if the deputy heir preceding them dies before the heir or the deputy heir preceding in order.

§ 44. Heir as deputy heir

(1) An heir is also considered a deputy heir, unless the will states otherwise.

(2) If it is not clear from the will whether a person has been named as a deputy heir or successor, he is considered a deputy heir.

Section 4
Heir

§ 45. Appointment of successor

(1) The testator may determine in the will that upon the arrival of a certain due date or postponing condition, all or part of the inheritance will be transferred from the heir to the next heir. An heir to whom a successor has been named is a prior heir.

(2) A successor may not be appointed to the heir.

(3) If the successor has been named with a postponing condition and this condition has not occurred within 20 years from the opening of the inheritance, the designation of the successor becomes invalid.

(4) If the testator has determined that the person named as the heir will receive the inheritance upon the arrival of a certain deadline or postponing condition, but has not designated a pre-heir, the pre-heirs are the legal heirs of the testator.

(5) If the testator has named as the heir a natural person who is conceived and born after the opening of the inheritance, or a legal entity that is created after the opening of the inheritance, he is considered a subsequent heir, unless otherwise stated in the will.

§ 46. Appointment of the successor without specifying the due date and condition

(1) If the testator has named the next heir without setting a due date or a postponing condition, the next heir inherits in the event of the death of the previous heir.

(2) If a person named as successor is a person who has not yet been born at the time of the opening of the inheritance, he or she will become successor upon birth. If the successor is a legal entity that has not yet been established at the time of the opening of said inheritance, it will become a successor upon establishment.

§ 47. Death of the heir

If the successor dies after the opening of the inheritance, but before the due date of succession, his right to inherit passes to his heirs, unless the will states otherwise.

§ 48. The pre-heir's right of disposal

(1) The pre-heir may dispose of items belonging to the estate, unless otherwise provided by this Act.

(2) A free disposal transaction of an object that is part of the estate or a transaction of disposal of an immovable property or immovable right that is part of the estate, which was made by a predecessor, is void upon the arrival of the condition or due date of succession, if the transaction excludes or limits the rights of the successor.

(3) A disposition transaction of an object that is part of the estate, which was made in the course of enforcement or by the bankruptcy trustee, is null and void upon the arrival of the condition of subsequent inheritance or the due date. The order transaction is valid if the creditor can also demand fulfillment of the obligation from the successor at the expense of the estate when the condition of succession is reached.

§ 49. Reimbursement of expenses to the pre-heir

(1) The pre-heir shall bear the expenses necessary for the preservation of the estate and its normal maintenance.

(2) Reimbursement of expenses incurred in relation to the estate provided for in subsection 1 of this section can be demanded from the successor of the pre-heir in accordance with the provisions of unjust enrichment.

(3) The pre-heir has the right to remove the assets created by his expenses from the estate, provided that he restores the former state of the estate. Such a right is excluded if the removal does not benefit the pre-heir or if he is compensated at least the value that would have been created for him by the costs after the removal.

§ 50. List of inheritance

(1) At the request of the successor, the pre-heir must provide him with a list of the inheritance, which the pre-heir has signed.

(2) The heir may demand that he be invited to the preparation of the list of the inheritance.

(3) The costs of preparing the list of the estate shall be reimbursed at the expense of the estate.

§ 51. Ensuring the rights of the heir

(1) If, due to the activities of the predecessor or his property status, the successor has a reasonable suspicion that his rights may be significantly violated, he may demand that the predecessor guarantee his rights.

(2) If the pre-heir has not guaranteed the rights of the successor within a reasonable period of time, the successor may request the appointment of a guardian of the inheritance specified in § 112 of this Act for the protection of the rights of the successor until the due date or condition of the succession is reached.

(3) If the pre-heir provides sufficient security, he may demand termination of the management of the estate.

§ 52. Inheritance passing to the heir

(1) If the right of inheritance is transferred to a subsequent heir, the previous heir is obliged to hand over the inheritance. The estate must be handed over in the same condition as it should have been in case of good stewardship up to the handover.

(2) The inheritance that passes to the successor includes property that the predecessor has acquired on the basis of a right belonging to the inheritance or at the expense of the inheritance or as compensation for the destruction, damage or taking away of an object that is part of the inheritance.

(3) Until the right of subsequent succession arises, the benefit obtained from the inheritance belongs to the pre-heir.

(4) At the request of the successor, the pre-heir must submit to him a report on the management of the inheritance.

§ 53. Liability of the pre-heir for the decrease in the value of the inheritance

(1) The pre-heir is not liable to the successor for the decrease in the value of the estate if he has managed the property prudently. The pre-heir is not liable to the successor even if he has used up the inheritance within the limits of normal consumption corresponding to his circumstances.

(2) When managing the estate, the pre-heir must show the same care as he applies in his own affairs.

§ 54. Exemption of pre-heir from restrictions and obligations

If the testator has specified in the will that only what is left of the inheritance by the time the right of succession arises, or if the will provides for the right of the pre-heir to freely dispose of the inheritance, the pre-heir is deemed to be exempt from the restrictions and obligations stipulated by law.

§ 55. Legal relations during follow-up inquiry

(1) From the time the right of succession arises, the pre-heir is no longer an heir and the inheritance is transferred to the successor.

(2) § 110–146 of this Act shall apply upon the arrival of the due date or condition of the inquiry. The term specified in § 119 of this Act begins to run from the due date of subsequent inheritance or from the moment when the successor becomes aware of the arrival of the condition of subsequent inheritance or must become aware of it.

(3) If the next heir renounces the inheritance or is ineligible to inherit, the inheritance remains with the previous heir, unless the will states otherwise.

(4) After the due date or condition of subsequent succession has arrived, the disposal transaction of an item included in the inheritance made by the prior heir is null and void. The order transaction is valid if the pre-heir did not know about the arrival of the condition of succession and did not need to know about it. The order transaction is void if the third party knew or should have known about the arrival of the condition of follow-up when making the transaction.

(5) Upon the arrival of the due date or the condition of the follow-up, the debt relationships terminated due to the coincidence of the debtor and the creditor upon the opening of the inheritance shall be restored.

Section 5
Anna

§ 56. Definition of dedication

(1) If the testator has not assigned to a person all of his property or its imaginary part, but only a certain property benefit, without considering the recipient of the benefit as his legal successor, the benefit is considered to be a gift and the recipient of the benefit is considered to be a legatee. The order for assigning a gift gives the beneficiary the right to demand the executor to hand over the item designated as a gift.

(2) A gift can be a thing, a sum of money, a right, a claim, a release from an obligation or another good that can be transferred.

§ 57. Executor of tribute

(1) The testator may oblige the heir or another legatee (hereinafter both *executors*) to fulfill the bequest. If the testator has not appointed an executor, the executor is the heir.

(2) If the executor has died, renounced the inheritance or bequest or is ineligible for inheritance, the obligation to fulfill the bequest is transferred to the person to whom the part of the inheritance that would have belonged to the deceased executor is transferred.

§ 58. Scope of performance of annaku

(1) The dower is obliged to fulfill the dower to the extent of the property received from the inheritance.

(2) If the inheritance is not enough to fulfill all donations, the donations will be reduced in proportion to their size.

§ 59. Assignment of donation shares by another person

(1) If the testator assigns a bequest to several persons, he may leave the determination of the size of each legatee's share to the discretion of the executor of the bequest or testament or another person.

(2) If the person specified in subsection 1 of this section has not determined the size of the shares within a reasonable period of time after the demand for performance of the bequest has arisen and refuses to do so, the legatees shall receive the bequest in equal parts.

§ 60. Designation of a substitute beneficiary

The testator can appoint a substitute beneficiary. The provisions regarding the deputy heir apply to the deputy beneficiary.

§ 61. Assignment of dower to the heir

(1) In addition to the share of the inheritance, the testator may assign a bequest to the heir.

(2) An heir who is a donee has the same obligations towards himself and other recipients of the bequest as other heirs, unless otherwise determined by the will or inheritance contract.

(3) During the time of bequest, the heir has the right to the bequeather even if he has renounced the inheritance.

(4) If the inheritance has been assigned to several heirs jointly, they are entitled to it in proportion to the size of their inheritance shares, unless otherwise determined by the will or inheritance agreement.

(5) If a deputy heir has been appointed to the legatee, the right of the legatee is transferred to the deputy heir only if it derives from the will or inheritance contract.

§ 62. Emergence of the requirement to fulfill the tribute

(1) The requirement to fulfill the donation arises when the inheritance is opened. If the legatee dies before the inheritance opens and no successor legatee has been appointed, the legatee is invalid.

(2) If the gift is determined with a postponing condition or due date, the requirement to fulfill the gift arises upon the arrival of the postponing condition or due date. If the legatee dies before the suspensive condition or due date arrives and a substitute legatee has not been appointed, the legatee is invalid, except in the case provided for in § 31 of this Act.

§ 63. Grant with a postponing condition and due date

(1) If the grant is determined with a postponing condition or due date and the condition or due date has arrived before the opening of the inheritance, the grant is deemed to be determined without a condition or due date.

(2) If the grant has been determined with a postponing condition, but the condition has not been fulfilled within 20 years from the opening of the inheritance, the grant is invalid.

(3) If the time of execution of the bequest has been left to be determined by the executor, but the executor has not done so, the demand for the execution of the bequest arises from the day of the executor's death.

(4) If a certain amount of money or a certain number of replaceable things have been designated as a bequest, but the testator has allowed the executor to give them to the legatee in part on certain due dates and the legatee has died after the opening of the inheritance, the death of the legatee does not affect the validity of the demand for performance of the legatee.

§ 64. Acceptance of alms and relinquishment of alms

(1) The donor has the right to accept the donation or to refuse the donation.

(2) The provisions on acceptance of inheritance and renunciation of inheritance apply to the acceptance and relinquishment of alms, unless otherwise provided by this Act.

(3) If the legatee waives the bequest, the requirement to perform the bequest ends, unless the will or succession agreement states otherwise.

(4) Renunciation of donation is not considered as renunciation of inheritance.

§ 65. Prohibition of partial acceptance of Annaku

(1) The donor does not have the right to accept only a part of the donation assigned to him or to renounce a part of the donation.

(2) If several legacies have been assigned to the beneficiary, he may renounce all legacies or only some of them.

§ 66. The donee's right to refuse execution of the bequest

The donee may not be required to fulfill the bequest or target order before the donee has the right to demand the fulfillment of the bequest assigned to him.

§ 67. Fulfillment of annaku

(1) If an item belonging to the inheritance has been designated as a bequest, it must be given to the beneficiary together with the benefit received from the moment the demand for performance of the bequest arises.

(2) If a right has been designated as a gift, the beneficiary must also be given the proceeds based on this right.

(3) If a thing has been designated as a gift, the heir must also be given the belongings of the thing existing at the time of the opening of the inheritance.

(4) If the item designated as a bequest is not part of the inheritance at the time the inheritance is opened, the bequest is invalid, unless the executor's obligation to provide the item designated as a bequest results from the will or inheritance contract.

(5) If a sum of money is designated as a bequest, the money is deemed to be assigned to the beneficiary even if the money is not among the inheritance.

§ 68. Item with species identification as a gift

(1) If the testator has described only the type characteristics of the item designated as a bequest and there are several such items in the inheritance, the item will be chosen by the beneficiary, unless otherwise determined by the will or inheritance contract.

(2) If the testator has only described the type characteristics of the item when determining the bequest and this item is not among the inheritance, the executor must give the beneficiary an item with the same type characteristics obtained on account of the inheritance, unless the will or inheritance contract states otherwise.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

§ 69. Claim as surrender

(1) If the testator has assigned a claim that belongs to him as a bequest, but before the opening of the inheritance, this claim has been fulfilled and the result of the fulfillment is among the inheritance, it is deemed to have been assigned to the beneficiary, unless the will or inheritance contract states otherwise.

(2) If the claim specified in subsection 1 of this section was monetary, the money is considered assigned to the beneficiary even if the money is not among the inheritance, unless otherwise provided by this Act.

(3) If the testator has assigned to bequeath a claim or right against the heir, which encumbers the thing or right of the heir, the debt relationships terminated due to the agreement of the debtor and the creditor upon the opening of the inheritance shall not be considered terminated in relation to the legatee.

§ 70. Maintenance as a gift

(1) If the bequest is alimony of an undetermined amount, the bequest and the executor shall agree on its amount, and in the event of a dispute, the court will decide on it.

(2) If the bequest is maintenance to a minor, it is deemed to be assigned until the person reaches the age of majority, unless otherwise determined by the will or inheritance contract.

§ 71. Rights encumbering the object designated as gift

(1) If the bequest is an object belonging to the inheritance, the legatee may not demand the removal of the rights encumbering the object, unless otherwise determined by the will or inheritance contract.

(2) The right of the testator to demand the elimination of rights encumbering the object is part of the bequest, unless otherwise determined by the will or inheritance agreement.

§ 72. Responsibility of the bailiff

If the object designated as a gift has been destroyed or its value has decreased due to the fault of the bequeather, the bequeather has the right to demand compensation from him.

Section 6
Target command

§ 73. Definition of target order

(1) A directive is an order of the testator, with which he imposes an obligation on the heir or legatee (hereinafter both *the executor of the directive) in the will or inheritance contract, without anyone having a right corresponding to this obligation.*

(2) If it is not clear from the will whether the testator has made an order with a condition (§ 35) or a target order, it is considered that a target order has been made.

§ 74. Requiring the execution of a target order

Execution of the target order may be requested by:
1) the heir;
2) the person to whom the part of the inheritance assigned to the executor would be transferred, if the executor had died before the opening of the inheritance;
3) executor;
4) a local government unit, if the execution of the target order is in the public interest.

§ 75. Failure to comply with a target order

If the executor wrongfully violates the obligation arising from the executor's order and the fulfillment of the obligation is no longer possible, he is obliged to give the part of the inheritance that should have been spent to fulfill the executor's order to the other co-heirs, or, in their absence, to the person to whom the part of the inheritance that belonged to the executor would pass if the executor had died. before the inheritance opens.

Section 7
Destination

§ 76. Definition of destination

(1) Designation is an order of the testator, with which he obliges the heir or legatee to use the estate or legacy for a specific intended purpose in the will or inheritance contract.

(2) The testator may appoint a person (executor) who has the rights and obligations of an executor in relation to the property assigned to fulfill the purpose.

§ 77. Non-fulfillment of the target designation

If the purpose designation is not fulfilled, the court may, based on the application of the interested party, appoint a guardian to fulfill it, who has the rights and obligations of the executor with respect to the property assigned to fulfill the purpose designation.

Section 8
Executor of the will

§ 78. Appointment of executor

(1) In the will, the testator may designate one or more persons as its executor. The testator can appoint a substitute executor.

(2) The executor may only be a person with legal capacity.

§ 79. Limitation of the heir's right of disposal

The heir does not have the right to dispose of items belonging to the estate that the executor needs to fulfill his obligations.

§ 80. Acceptance of the task of executor

(1) A person may not be required to fulfill the obligations of the executor until he has accepted the task of the executor. No one is obliged to accept the task of executor. If a person has accepted the task of executor, he cannot withdraw from it without a valid reason.

(2) If the testator has appointed an heir or legatee as the executor and this person has accepted the inheritance or bequest, he may not refuse to perform the task of the executor, unless otherwise specified in the will.

(3) In order to accept and renounce the task of executor, a statement must be made to the notary, which is certified by the notary. The notary can set a reasonable deadline for accepting or renouncing the task of the executor, which cannot be longer than one month. If the person has not submitted an application within the deadline set by the notary, it is considered that he has renounced the task of executor.

(4) If a person renounces the task of executor or his acceptance, or if the testator has not determined the identity of the executor in the will, but the will shows his will regarding the appointment of the executor, the notary appoints a lawyer or other person who agrees to perform the tasks of the executor as the executor. When appointing the executor, the notary listens to the opinion of the heirs and legatees. A lawyer does not have the right to refuse to accept the task of executor without a compelling reason.

§ 81. Rights and obligations of the executor

(1) The executor of the will performs the duties arising from the law, unless otherwise provided by the will.

(2) The executor may deviate from the tasks given in the will with the consent of the interested parties, if it is in the interests of fulfilling the last will of the testator. If the interested parties do not agree to the deviation from the tasks, the dispute will be resolved by the court at the request of the executor.

(3) Until the inheritance is accepted by the heir, the executor is obliged to fulfill the duties of the custodian of the inheritance specified in § 112 subsection 3 of this Act or to apply for the administration of the inheritance.

(4) The executor is obliged to fulfill bequests, destination orders, destination designations and other obligations arising from the will or succession agreement.

(5) The executor is obliged to prudently manage the estate necessary for the performance of his duties and to ensure its preservation.

(6) The executor is obliged to take possession of an object belonging to the estate or to ensure its separation from the heir's property in another way, if this is necessary for the performance of the executor's duties.

(7) The executor has the right to take on obligations in relation to the inheritance and to dispose of items belonging to the inheritance, if this is necessary for the performance of the executor's duties.

(8) If the testator has made orders regarding the distribution of the inheritance, the executor is obliged to divide the inheritance among the heirs in accordance with §§ 152–161 of this Act.

(9) To the extent necessary to perform the tasks of the executor, the executor has the right to represent the heir or legatee.

§ 82. Transfer of the inheritance to the heir

(1) The executor must hand over to the heir the items belonging to the estate, which are in his possession and which he does not need to fulfill his obligations.

(2) If the executor does not have to carry out the testator's order personally, he can demand its execution from the heir.

§ 83. Liability of executor

(1) The executor is responsible for the damage caused to the heir or legatee by breach of his obligations.

(2) If the testator has appointed several executors, but has not divided the tasks between them, the executors perform their tasks jointly and are jointly and severally liable. They are allowed to act alone in case of unavoidable necessity. The executors are jointly and severally liable even if they have divided the tasks among themselves.

(3) If an executor does not or cannot perform his duties, the other executors shall continue to execute the will.

§ 84. Expenses of execution of a will and executor's fee

(1) Necessary expenses incurred by the executor to fulfill his obligations shall be reimbursed at the expense of the inheritance.

(2) The executor may demand a reasonable fee for his activities, unless the testament states otherwise. If the executor is an heir or legatee, the value of the part of the inheritance or bequest must be taken into account when determining the fee, unless the testator has determined otherwise.

(3) If the heirs, legatees and the executor do not reach an agreement on the amount of the fee, the court determines the amount of the fee at the request of the executor.

§ 85. Report of the executor

(1) The executor is obliged to report on his activities to the heirs and legatees.

(2) The executor is obliged to provide the heir with a list of the inheritance items that he needs to fulfill his obligations immediately after accepting his task.

§ 86. Executor's release from duty

If the executor has significantly violated his obligations, the court may release him from the task of executor at the request of the heir, legatee or other person interested in the inheritance.

§ 87. Testimony of the executor

(1) At the executor's request, the notary shall certify the executor's certificate.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(2) The executor's certificate must state what the executor's rights are in managing and disposing of the estate and assuming obligations in relation to the estate.

(3) [Repealed - RT I 2010, 38, 231 - entry into force. 01.07.2010]

Section 9
Revoking a will

§ 88. The right to revoke a will

(1) The testator may revoke the will or any part of it at any time by a later will or succession agreement.

(2) The testator may revoke a notarial will with a notarial or domestic will or an inheritance agreement. A domestic will can be revoked by the testator with a notarial or domestic will or by destroying the will or by a succession agreement.

(3) If the testator has revoked only one part of the will, the other part of the will remains valid.

(4) An earlier will is invalidated by a later will or succession agreement to the extent that it contradicts the later will or succession agreement.

(5) If the testator has revoked the will, the wills prior to the revoked will do not take effect, unless otherwise determined by the revoking will or succession agreement.

(6) If the testator has revoked or changed the notarial will with a domestic will and the domestic will has lost its validity in accordance with the procedure provided for in § 25 of this Act, the notarial will is valid.

(7) If a circumstance occurred during the making of the will that provides a basis for revoking the will in accordance with the law of the general part of the Civil Code, after the death of the testator, the will may also be revoked by a person who would be entitled to inherit in the event of the invalidity of the will or its part. A lawsuit must be filed in court to revoke a will. A lawsuit for the annulment of a will can be submitted to the court within one year of becoming aware of the fact underlying the annulment, but no later than 30 years after the opening of the inheritance.

Section 10
Mutual will of spouses

§ 89. Concept of mutual will of spouses

(1) A mutual will of spouses is a will that the spouses make jointly and in which they mutually name each other as heirs or make other arrangements regarding the inheritance in the event of death.

(2) In the mutual will of spouses, the validity of the order made by one spouse depends on the validity of the order made by the other spouse, if it can be assumed that the order of one spouse would not have been made without the order of the other spouse. If the spouses have mutually made orders for each other's benefit or designated to whom the surviving spouse's inheritance or other proceeds on the basis of a mutual will will be transferred, it is assumed that the order would not have been made without the other spouse's order.

(3) The mutual will of the spouses is made in a notarized form.

§ 90. Mutual will of spouses in favor of a third party

(1) In the mutual will of the spouses, in which they have mutually named each other as sole heirs, spouses may determine to whom the surviving spouse's inheritance will be transferred in the event of his or her death.

(2) If in the mutual will of the spouses it has been determined that upon the death of the surviving spouse, his/her inheritance will be transferred to a third party, the surviving spouse, who has accepted the inheritance, does not have the right to change this arrangement of the mutual will of the spouses or to make different arrangements at the time of his/her death.

(3) If the mutual will of the spouses does not specify that the inheritance must be transferred to a third party in the composition existing on the day of the death of the previously deceased spouse, the inheritance is transferred to the third party in the composition existing on the day of the death of the surviving spouse.

(4) If, according to the will, the inheritance must be transferred to a third party in the composition existing on the day of the death of the previously deceased spouse, the surviving spouse has the same rights in the use and disposal of the inheritance as the pre-heir.

§ 91. Joint endowment in the mutual will of spouses

Kui abikaasad on vastastikuses testamendis, millega nad on teineteise vastastikku ainupärijaks nimetanud, määranud ühiselt kolmandale isikule annaku, tekib annaku täitmise nõue pärast üleelanud abikaasa surma, kui testamendist ei tulene teisiti.

§ 92. Iseseisev annak abikaasade vastastikuses testamendis

Kui abikaasad on vastastikuses testamendis määranud annaku varast, mis ei ole vajalik käesoleva seaduse § 89 lõikes 2 nimetatud korralduste täitmiseks, loetakse see iseseisvaks annakuks, mille on kohustatud täitma üleelanud abikaasa.

§ 93. Abikaasade vastastikuse testamendi tühistamine

(1) Abikaasade vastastikuses testamendis sisalduva, käesoleva seaduse § 89 lõikes 2 nimetatud korralduse võib mõlema abikaasa eluajal kumbki abikaasa ühepoolselt tühistada. Testament, millega tühistatakse esimeses lauses nimetatud korraldus, peab olema notariaalselt tõestatud. Korraldus loetakse tühistatuks, kui teine abikaasa on kätte saanud notariaalses korras edastatud teate korralduse tühistamise kohta.
[RT I, 09.10.2013, 1 - jõust. 19.10.2013]

(2) Pärast abikaasa surma saab teine abikaasa käesoleva seaduse § 89 lõikes 2 nimetatud korralduse tühistada üksnes juhul, kui ta loobub pärandist, mis talle vastastikuse testamendi alusel määrati.

(3) Kui abikaasad on vastastikuses testamendis määranud isiku, kellele läheb üle üleelanud abikaasa pärand või muu vastastikuse testamendi alusel saadu, ja see isik on pärandaja, tema abikaasa või pärandaja alaneja või üleneja sugulase vastu toime pannud kuriteo või on tahtlikult ja oluliselt rikkunud oma seadusest tulenevat pärandaja ülalpidamise kohustust, saab üleelanud abikaasa omapoolse korralduse tühistada ka pärast vastastikuse testamendi alusel saadu vastuvõtmist.

§ 94. Abikaasade vastastikuse testamendi kehtetus

(1) The mutual will of the spouses becomes invalid if:
1) the marriage was divorced or ended before the testator's death;
2) before his death, the testator had submitted a claim for divorce to the court or had given his written consent to the divorce;
3) at the time of his death, the testator was entitled to demand the annulment of the marriage and had submitted a corresponding claim to the court.

(2) The provisions of subsection 1 of this section shall not be applied if a different will of the testator can be assumed.

Chapter 4
AGREEMENT OF INHERITANCE

§ 95. Definition of inheritance contract

(1) An inheritance contract is an agreement between the testator and another person by which the testator names the other party to the contract or another person as his or her heir or assigns a bequest, bequest order or designation to him or her, as well as an agreement between the testator and his legal heir by which the latter waives inheritance.

(2) An agreement that stipulates the obligation of a person who is a party to an inheritance agreement, which is the basis for receiving or renouncing an inheritance, bequest, assignment or assignment, is not a part of the inheritance agreement and the provisions of the inheritance agreement do not apply to it.

(3) The inheritance contract, as well as the agreement on its amendment or termination, is concluded personally by the inheritor. Only a person with legal capacity can enter into an inheritance contract as a legatee.

(4) The provisions of the will shall apply to unilateral orders contained in the inheritance contract or to orders not mentioned in subsection 1 of this section.

(5) The order specified in subsection 4 of this section can also be canceled in the succession agreement, which cancels the order under the contract. If the succession agreement is terminated by withdrawing from the agreement or by a new succession agreement, the unilateral order loses its validity.

§ 96. Rights of the parties to the inheritance contract

(1) An inheritance contract may not restrict the legatee's right to possess, use and dispose of his property.

(2) A contractual heir or a legatee does not acquire rights to the legatee's property during the legatee's lifetime on the basis of the succession agreement.

(3) If the testator has made a gift with the intention of causing damage to the contractual heir or legatee, the contractual heir or legatee may, within one year from the opening of the inheritance, demand the annulment of the gift contract and the delivery of the gift to the recipient in accordance with the provisions of unjust enrichment.

§ 97. Donation in inheritance contract

(1) The provisions on the execution of a legacy determined by a will apply to the execution of a bequest determined by an inheritance contract.

(2) Assigning a legacy to the testator's spouse or a third party by the inheritance agreement concluded between the spouses becomes invalid if:
1) the marriage has ended before the testator's death;
2) before his death, the testator had applied for a divorce or had given his written consent to the divorce;
3) at the time of his death, the testator was entitled to demand the annulment of the marriage and had filed a corresponding lawsuit.

(3) The provisions of subsection 2 of this section shall not be applied if a different will of the testator can be assumed.

(4) If the legatee has destroyed, damaged or otherwise made the transfer impossible of the object designated as a gift by the inheritance contract with the aim of causing damage to the legatee under the contract, the legatee has the right to receive a sum of

money corresponding to the value of the object as a gift.

§ 98. Inheritance agreement on renunciation of inheritance

(1) If the legal heir of the decedent has waived his statutory right to inherit by a contract concluded with the decedent, the person entitled to inherit is the person who would have inherited if the person who waived the inheritance had died before the opening of the inheritance. The person who waived the inheritance does not have the right to receive a forced share.

(2) The contract may also waive the right to a forced share.

(3) If the heir waives his statutory right of inheritance in favor of another person, the waiver is valid only if the person for whose benefit it was waived becomes the heir, unless otherwise stipulated by the contract.

(4) If a relative of the testator's descendant waives the statutory right of inheritance, it is deemed to have been waived in favor of other relatives of the testator's descendants and the testator's spouse, unless otherwise stipulated by the contract.

§ 99. Inheritance right of relatives of descendants who waived inheritance by contract

If the testator's descendants or collateral relatives have waived the inheritance by contract, the descendants of the renouncer's relatives will not inherit, unless otherwise stipulated by the contract.

§ 100. Form of inheritance contract

The inheritance contract is concluded in a notarized form.

§ 101. Third party in the inheritance contract

(1) If a third party, who has been designated as the heir or recipient of the inheritance by the inheritance contract, renounces the inheritance or does not accept the inheritance or the inheritance, the contract shall lose its validity in this regard.

(2) Pärimislepingu pooled võivad lepingut muuta või selle lõpetada kolmanda isiku nõusolekuta.

(3) Abikaasade vahel sõlmitud pärimislepingule, millega nad on nimetanud teineteise vastastikku ainupärijaks ja milles on määratud, kellele läheb üle üleelanud abikaasa pärand või muu pärimislepingu alusel saadu, kohaldatakse käesoleva seaduse §-s 90 sätestatut.

§ 102. Pärimislepingu tühistamine

(1) Pärimislepingu või selles sisalduva korralduse võib lepingupoolte eluajal tühistada lepingu sõlminud isikute vahelise notariaalselt tõestatud kokkuleppega või uue pärimislepinguga.

(2) Kui pärimislepingu sõlmimisel esines asjaolu, mis annab vastavalt tsiviilseadustiku üldosa seadusele aluse pärimislepingu tühistamiseks, võib pärast pärandaja surma pärimislepingu tühistamist nõuda ka isik, kes oleks õigustatud pärima pärimislepingu või selles sisalduva korralduse kehtetuse korral.

(3) Pärimislepingu tühistamiseks tuleb esitada hagi kohtusse. Pärimislepingu tühistamise hagi võib esitada kohtusse ühe aasta jooksul tühistamise aluseks olevast asjaolust teadasaamisest arvates, kuid mitte hiljem kui 30 aasta möödumisel pärandi avanemisest arvates.

§ 103. Pärimislepingust taganemine

(1) Pärandaja võib pärimislepingust taganeda, kui:
1) taganemisõigus on pärimislepinguga kokku lepitud;
2) õigustatud isik on pärandaja, tema abikaasa või pärandaja alaneja või üleneja sugulase vastu toime pannud kuriteo;
3) teine lepingupool rikub tahtlikult oma seadusest tulenevat pärandaja ülalpidamise kohustust;
4) pärimisleping on sõlmitud, pidades silmas käesoleva seaduse § 95 lõikes 2 nimetatud pärimislepingu pooleks oleva isiku kohustust, mis seisneb pärandajale tema eluajal korduvate kohustuste täitmises, eelkõige ülalpidamise tagamises, ning kohustatud isik rikub kohustust tahtlikult ja oluliselt.

(2) Pärimislepingust taganemine toimub teisele lepingupoolele notariaalselt tõestatud avalduse tegemisega. Kui pärandaja on piiratud teovõimega, ei vaja ta taganemiseks seadusliku esindaja nõusolekut.

(3) Kui pärimislepingus on käesoleva seaduse § 95 lõikes 1 nimetatud korraldusi teinud mõlemad lepingupooled (edaspidi *vastastikune pärimisleping*), muutub käesoleva paragrahvi lõike 1 punktis 1 nimetatud juhul ühe lepingupoole taganemisel kogu leping kehtetuks, välja arvatud juhul, kui pärimislepingust ei tulene teisiti.

(4) Vastastikuse pärimislepingu korral lõpeb taganemisõigus teise lepingupoole surmaga. Pärast lepingupoole surma võib teine pärimislepingu pool oma korralduse ühepoolselt tühistada üksnes juhul, kui ta loobub talle pärimislepinguga eraldatust.

5. peatükk
SUNDOSA

§ 104. Sundosa pärimine

(1) Kui pärandaja on testamendi või pärimislepinguga jätnud seaduse järgi pärima õigustatud alaneja sugulase, oma vanemad või abikaasa, kelle suhtes pärandajal oli surma hetkel perekonnaseadusest tulenev kehtiv ülalpidamiskohustus, pärandist ilma või on nende pärandiosi vähendanud võrreldes sellega, mille nad oleksid saanud seadusjärgse pärimise korral, on neil õigus nõuda pärijatelt sundosa.

(2) Pärandaja vanemad ja kaugemad alanejad sugulased ei ole sundosa nõudmiseks õigustatud, kui alaneja sugulane, kes välistaks nad seadusjärgse pärimise korral, saab nõuda sundosa või võtab talle pärandatu vastu.

(3) Kui testamendi või pärimislepinguga on isikule määratud sundosa, ei loeta seda kahtluse korral pärijaks nimetamiseks.

(4) Sundosa nõue tekib pärandi avanemisega. Nõue on pärandatav ja üleantav.

(5) Sundosa nõue on suunatud raha maksmisele käesoleva seaduse §-s 105 sätestatud suuruses.

§ 105. Sundosa suurus

(1) Sundosa on pool pärandiosa väärtusest, mille pärija oleks seadusjärgse pärimise korral saanud, kui pärandi oleksid vastu võtnud kõik seadusjärgsed pärijad. Isikuid, kes on lepinguga pärimisest loobunud, sundosa suuruse väljaselgitamisel arvesse ei võeta.

(2) Kui sundosa nõudmiseks õigustatud isikule on pärandatud pärandiosa, mis on väiksem kui sundosa, siis võib ta nõuda kaaspärijatelt sundosana puuduolevat osa.

(3) Kui mitmest pärijast on ühel sundosa saamise õigus, siis võib ta pärast pärandi jagamist keelduda mõne teise sundosa saamiseks õigustatu nõude rahuldamisest niivõrd, et talle jääks tema sundosa. Puudujääva osa eest vastutavad ülejäänud pärijad.

(4) Kui sundosa saamiseks õigustatud isikule on määratud annak, on tal sundosanõue üksnes juhul, kui ta loobub annakust. Kui annaku väärtus on väiksem kui sundosa, võib isik nõuda pärijatelt sundosa ulatuses, mille ta annakuna sai vähem, kui ta sundosana oleks saanud.

§ 106. Pärandi väärtus

(1) Sundosa suuruse kindlakstegemisel võetakse aluseks pärandi hulka kuuluv vara pärandi avanemise päeva seisuga.

(2) Sundosa määramisel arvestatakse pärandina ka eelpärandit, abikaasa eelosa ja pärandaja poolt teistele isikutele sundosa vähendamise eesmärgil viimase kolme aasta jooksul enne pärandaja surma tehtud kingitusi.

(3) Sundosa määramisel ei arvestata pärandina pärandaja matmiskulusid, pärandvara nimekirja koostamise ja pärandvara hindamise kulusid ning pärandaja ülalpidamisel olnud isikute ühe kuu ülalpidamise kulusid.

(4) Rights and obligations that depend on a postponing condition are not considered as inheritance when determining the compulsory share. Rights and obligations that depend on a condition that can be removed are taken into account as non-conditional. When the condition is met, an offset corresponding to the changed legal situation is made.

(5) If the testator has made a gift to a third party with the aim of causing damage to the person entitled to claim the forced share, the person entitled to claim the forced share may, within one year from the opening of the inheritance, demand the addition of the forced share by the amount by which the forced share would increase if the gifted item were considered part of the inheritance.

(6) The requirement specified in subsection 5 of this section shall not be satisfied if ten years have passed since the gift was made. If the gift is made to the testator's spouse, the period does not begin until the end of the marriage.

(7) If the heir himself is entitled to demand a forced share, he may refuse to supplement the forced share to the extent that he would be left with his own forced share, including what would belong to him as a supplement to the forced share.

§ 107. Encumbrances of the compulsory part

(1) If the rights of a person entitled to receive a compulsory share designated as an heir are limited by the appointment of a successor or executor or if he is encumbered by an order of destination, the restriction or encumbrance shall not apply if the portion of the inheritance bequeathed to him is less than half of the portion of the inheritance legally belonging to him.

(2) If the bequeathed part of the inheritance is larger, the person entitled to receive the compulsory part may demand the compulsory part in case of giving up the part of the inheritance. The withdrawal period starts from the moment when the person entitled to receive the forced share becomes aware of the restriction or encumbrance.

(3) Naming the person entitled to receive a forced share as successor is equivalent to limiting the appointment as an heir.

§ 108. Deprivation of compulsory contribution

(1) The testator may by will or inheritance contract deprive a person who has committed a crime against the testator, his spouse or a relative of the testator's descendant or ascendant, or another person particularly close to the testator, or a person who has intentionally and significantly violated his statutory maintenance of the testator obligation. In this case, the testator must state the reason for the deprivation of the forced share.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(2) Deprivation of the compulsory portion is invalid if the testator has not indicated the reason for the deprivation or the reason does not correspond to the provisions of subsection 1 of this section.

§ 109. Expiration of the claim for compulsory part

(1) The claim for a forced share expires three years after the moment when the person entitled to receive a forced share becomes aware of the opening of the inheritance and the disposition affecting his rights.

(2) Irrespective of the provisions of subsection 1 of this section, the claim for compulsory part expires ten years after the opening of the inheritance.

(3) If the prerequisite for the emergence of a claim for compulsory part is the relinquishment of an inheritance or bequest, the provisions of subsections 1 and 2 of this section shall apply to the beginning of the limitation period.

Chapter 6
COURSE OF INHERITANCE

Section 1
Preservation of heritage

§ 110. Storage measures

(1) In the event of the death of the testator, the court applies measures to preserve the estate if:
[RT I, 09.10.2013, 1 - entered into force. 19.10.2013]
1) the heir is unknown;

2) the heir is not present at the location of the estate;
3) it is not known whether the heir has accepted the inheritance;
4) the heir is a person with limited legal capacity and no guardian has been appointed;
5) there are other bases provided by law.

(2) The measures for the preservation of the estate are:
1) organizing the management of the estate;
2) implementation of remedies provided in the Civil Procedure Code.

(3) [Repealed - RT I 2010, 38, 231 - entry into force. 01.07.2010]

§ 111. Implementation of conservation measures

(1) Storage measures of the estate may be applied until the inheritance is accepted by the heirs, unless otherwise provided by law.

(2) The court implements estate storage measures on its own initiative, unless otherwise provided by law.

(3) The court may also decide to implement conservation measures of the estate at the request of a creditor of the testator, a legatee or another person with a claim against the inheritance, if failure to implement conservation measures could jeopardize the satisfaction of the claim belonging to the said person at the expense of the inheritance.

(4) In the event of a dispute as to who is the heir, the court may also decide on the implementation of estate storage measures at the request of the person demanding the recognition of the right of inheritance.

(5) Käesoleva paragrahvi lõigetes 3 ja 4 nimetatud juhul võib hoiumeetmete rakendamise otsustada ka pärast pärandi vastuvõtmist pärijate poolt, eelkõige juhul, kui pärija tegevus või varaline olukord võivad seada ohtu pärandvara säilimise ja nõuete rahuldamise pärandvara arvel.

(6) Riigi- ja kohaliku omavalitsuse asutus, notar ning kohtutäitur on kohustatud teatama kohtule neile teatavaks saanud hoiumeetmete rakendamise vajadusest.
[RT I 2010, 38, 231 - jõust. 01.07.2010]

§ 112. Pärandvara valitsemine

(1) Pärandvara valitsemiseks nimetab kohus pärandi hooldaja, kellele kohus võib anda korraldusi vara valdamiseks, kasutamiseks ja käsutamiseks. Koos pärandi hooldaja nimetamisega määrab kohus pärandi inventuuri tegijaks kohtutäituri, kohaldades vastavalt käesoleva seaduse § 138–141.

(2) Hooldajaks võib olla isik, kes saab pärandvara nõuetekohaselt valitseda ja kes on sobiv hooldaja kohustusi täitma. Kohus võib hooldaja, kes pärandvara nõuetekohaselt ei valitse, hooldaja kohustustest vabastada.

(3) Hooldaja on kohustatud:
1) vara heaperemehelikult valitsema ning tagama selle säilimise;
2) andma pärandvara arvel ülalpidamist käesoleva seaduse §-s 132 nimetatud isikule;
3) täitma pärandvara arvel pärandvaraga seotud kohustused;
4) aru andma vara valitsemisest kohtule ja pärijatele;
5) võtma käesoleva seaduse § 111 lõikes 3 nimetatud juhul, samuti muul juhul, kui see on vajalik pärandvara säilimise tagamiseks, pärija või kolmanda isiku valduses oleva pärandvara oma valdusesse või tagama muul viisil selle eraldamise pärija varast;
6) esitama vajaduse korral pärimismenetluse algatamise avalduse notarile või kui Eesti notar ei ole pädev pärimismenetlust läbi viima, siis rakendama muid meetmeid pärija isiku väljaselgitamiseks.
[RT I 2010, 38, 231 - jõust. 01.07.2010]

(4) Hooldaja võib pärandvara käsutada üksnes oma kohustuste täitmiseks ja pärandvara valitsemisega seonduvate kulude katmiseks. Hooldajal ei ole õigust kohtu loata käsutada pärandvara hulka kuuluvat kinnisasja.

(5) Pärijal ei ole õigust käsutada pärandvara, mis on antud hooldaja valitseda.

(6) Kohus võib keelduda pärandvara valitsemise määramisest, kui pärandvara ei ole eelduslikult piisav valitsemisega seotud kulutuste hüvitamiseks. Kohus määrab sellisel juhul pärandvara valitsemise, kui valitsemist taotlenud isik tasub deposiidina selleks ettenähtud kontole summa, mis eelduslikult vastab tekkivatele kulutustele.
[RT I, 31.01.2014, 6 - jõust. 01.07.2014]

(7) Kui pärija ei ole selgunud kuue kuu jooksul pärandi avanemisest arvates, samuti juhul, kui pärandi vastu võtnud pärija ei ole kuue kuu jooksul pärandi vastuvõtmisest arvates asunud pärandvara valitsema, võib pärandi hooldaja pärast inventuuri tegemist pärandvara müüa ning hoiustada pärandvara müügist saadu. Sellisel juhul ei kohaldata käesoleva paragrahvi lõikes 4 sätestatut.

§ 113. Kohustuste täitmine pärandi hooldaja poolt

(1) Kui on määratud pärandvara valitsemine, peab pärandi hooldaja pärast inventuuri tegemist rahuldama pärandvara nimekirja kantud nõuded, mille täitmise tähtpäev on saabunud. Nõuded, mille täitmise tähtpäev ei ole saabunud, võib hooldaja rahuldada üksnes pärija nõusolekul. Kui hooldaja esitatud nõude vaidlustab, otsustab nõude rahuldamise võlausaldaja hagiavalduse alusel kohus.

(2) Kui hooldus on määratud vastavalt käesoleva seaduse § 111 lõikele 3, on hooldaja kohustatud pärast pärandvara nimekirja koostamist rahuldama pärandvara arvel kõik pärandvara nimekirja kantud nõuded käesoleva seaduse §-s 142 nimetatud järjekorras. Pärandvara ei või pärijale välja anda enne nõuete rahuldamist. Kui hooldaja või pärija esitatud nõude vaidlustab, otsustab nõude rahuldamise võlausaldaja hagiavalduse alusel kohus.

§ 114. Pärandvara hooldamise tasu

Pärandvara hooldajal on õigus saada pärandvara valitsemise eest pärandi arvel tasu. Hooldamise tasu suuruse määrab kohus.

§ 115. Pärandvara hoiumeetmete lõpetamine

(1) Kohus lõpetab pärandvara hoiumeetmed, kui on ära langenud käesoleva seaduse §-des 110 ja 111 sätestatud hoiumeetmete rakendamise alused.
[RT I 2010, 38, 231 - jõust. 01.07.2010]

(2) Kohus lõpetab pärandvara valitsemise juhul, kui pärandvara ei ole piisav valitsemisega seotud kulutuste hüvitamiseks ja kohtu määratud tähtaja jooksul ei tasuta deposiidina selleks ettenähtud kontole summat, mis eelduslikult vastab valitsemise käigus tekkivatele kulutustele.
[RT I, 31.01.2014, 6 - jõust. 01.07.2014]

(3) If the implementation of storage measures has been decided in accordance with subsections 3 and 4 of § 111 of this Act, the person who requested the implementation of storage measures must be heard before the storage measures are terminated.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

Section 2
Acceptance and disinheritance

§ 116. Irreversibility of acceptance and relinquishment

(1) The heir may accept the inheritance or renounce the inheritance.

(2) After accepting the inheritance, it cannot be waived, unless otherwise provided by law. Once disinherited, it can no longer be accepted.

§ 117. Acceptance and relinquishment by will and contract

(1) If the heir under the will or contract has renounced the inheritance, he cannot legally inherit the inheritance assigned to him by the will or contract, except for the compulsory part of the inheritance.

(2) If the heir is entitled to inherit both according to the will and the contract, he may accept the inheritance according to his choice either according to the will or the contract or both, if the will and the contract do not contradict each other.

§ 118. Acceptance and withdrawal procedure

(1) If the heir does not renounce the inheritance within the term stipulated in § 119 of this Act, he is deemed to have accepted the inheritance.

(2) Irrespective of the provisions of subsection 1 of this section, the heir may submit an application to the notary settling the inheritance matter before the expiration of the term stipulated in § 119 of this Act, which the notary shall certify.

(3) In order to renounce the inheritance, an application must be submitted to the notary within the time limit provided in § 119 of this Act, which is certified by the notary.

(4) [Repealed - RT I 2010, 38, 231 - entry into force. 01.07.2010]

§ 119. Renunciation deadline

(1) The deadline for renouncing inheritance is three months. The deadline starts from the moment when the heir learns or must learn about the death of the testator and about his right to inherit.

(2) The notary may extend the deadline specified in subsection 1 of this section at the request of the person entitled to inherit or set a new deadline if the person entitled to inherit has missed the deadline for a valid reason and if other persons entitled to inherit do not object to it. In the event of a dispute, the matter will be resolved by the court.

§ 120. Inheritability of the right of acceptance and relinquishment

If the person entitled to inherit dies without being able to receive or renounce the inheritance, his heirs have the right to renounce the inheritance within the same period during which they have the right to renounce the inheritance of the person entitled to inherit.

§ 121. Data on inheritance

Before accepting the inheritance or renouncing it, the person entitled to inherit has the right to receive information about the composition of the inheritance and the content of the will and the inheritance agreement from the court, notary and other person in possession of the inheritance, will or inheritance agreement.

§ 122. Inadmissibility of conditional acceptance and waiver

(1) Conditional acceptance of inheritance or conditional relinquishment thereof is not permitted.

(2) An application for partial acceptance or partial relinquishment of inheritance, as well as an application for conditional acceptance or conditional relinquishment of inheritance, is void.

§ 123. Revocation of acceptance of inheritance and relinquishment of inheritance

(1) Acceptance of inheritance or relinquishment of inheritance may be declared invalid by the court on the grounds provided in §§ 92, 94 and 96 of the General Part of the Civil Code Act.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(2) The heir may apply for the invalidation of the acceptance of the inheritance or the relinquishment of the inheritance due to a mistake only if he has accepted the inheritance or renounced it due to a mistake in whether he is inheriting according to the law, will or inheritance contract.

(3) If the court has declared the acceptance of the inheritance or the relinquishment of the inheritance invalid, it is considered that the heir has learned of his right to inherit on the day the judgment enters into force.

§ 124. Inheritance in case of relinquishment of inheritance

(1) If the person entitled to inherit has renounced the inheritance, the person entitled to inherit is the person who would have inherited if the person who renounced the inheritance had died before the inheritance opened.

(2) A person who takes the place of the person who renounced the inheritance may accept the inheritance or renounce it within the same term as the person who renounced it had the right to do so. The deadline is counted from the day when the person taking the place of the one who renounced the inheritance learned about the renunciation.

§ 125. Local self-government unit and the state

(1) In the case of statutory inheritance, neither the state nor the local government unit can renounce the inheritance.

(2) In the case of statutory inheritance, it is considered that the local government unit or the state has accepted the inheritance regardless of the fulfillment of the requirements for accepting the inheritance.

(3) Kui ükski pärija ei ole teada ega teata endast ühe kuu jooksul pärija väljaselgitamise üleskutsemenetluses üleskutse avaldamisest arvates või kui endast teatanud isik ei suuda ühe kuu jooksul üleskutsemenetluse tähtpäeva möödumisest arvates oma pärimisõigust tõendada, eeldatakse, et seadusjärgne pärija on pärandi avanemise koha kohalik omavalitsusüksus või käesoleva seaduse §-s 18 nimetatud juhul riik.
[RT I 2010, 38, 231 - jõust. 01.07.2010]

(4) Pärija võib käesoleva paragrahvi lõikes 3 nimetatud juhul pärandi omavalitsusüksuselt või riigilt vastavalt käesoleva seaduse §-le 146 välja nõuda.

§ 126. Võlausaldaja õigus pärandist loobumise korral

Võlausaldaja võib nõuda, et pärandist loobunu need võlad, mida ei saa loobunu varast tasuda, tasutakse temal õiguse järgi saada olevast pärandiosast. Võlgade rahuldamisest järele jäänud pärandiosa läheb üle pärijatele, kes pärivad pärandist loobunu asemel.

3. jagu
Juurdekasvuõigus

§ 127. Pärandiosa suurenemine juurdekasvuõiguse alusel

(1) Kui pärandaja on testamendi või pärimislepinguga määranud pärijaks mitu isikut selliselt, et seadusjärgne pärimine on välistatud ja üks pärijatest enne pärandi avanemist sureb või loobub pärimisest pärimislepinguga (§ 98) või käesoleva seaduse §-s 118 sätestatud korras, jagatakse tema pärandiosa juurdekasvuõiguse alusel pärandi teiste testamendi- või lepingujärgsete pärijate vahel võrdeliselt nende pärandiosade suurusega, kui testamendist või pärimislepingust ei tulene teisiti.

(2) Koos juurdekasvuõiguse alusel ülemineva pärandiosaga lähevad üle ka sellel osal lasuvad annakud ja muud kohustused.

§ 128. Juurdekasvuõigus testamendi- ja lepingujärgsel pärimisel

Kui pärandaja on testamendi või lepinguga pärandanud mitmele pärijale ühise osa oma varast iga pärija osa määramata, jääb see pärandiosa juurdekasvuõiguse alusel teistele sama pärandiosa pärijatele, kui testamendist või pärimislepingust ei tulene teisiti.

§ 129. Juurdekasvuõiguse kohaldamatus

Juurdekasvuõigust ei kohaldata, kui pärandaja on selle testamendi või pärimislepinguga keelanud või kui pärandist loobumata ja pärandi vastu võtmata jätnud pärijal on asepärija.

4. jagu
Pärija õigused ja kohustused, vastutus pärandaja kohustuste eest

§ 130. Pärandaja õiguste ja kohustuste üleminek

(1) Pärandi vastuvõtmisega lähevad pärijale üle kõik pärandaja õigused ja kohustused, välja arvatud need, mis oma olemuselt on lahutamatult seotud pärandaja isikuga või mis seadusest tulenevalt ei saa ühelt isikult teisele üle minna.

(2) Seaduses sätestatud juhtudel võivad pärandaja isikuga lahutamatult seotud õigused üle minna pärijale.

(3) Pärija on kohustatud täitma kõik pärandaja kohustused. Pärandvara ebapiisavuse korral peab pärija need kohustused täitma oma vara arvel, välja arvatud juhul, kui ta pärast inventuuri tegemist on täitnud kohustused seaduses sätestatud korras, kui on välja kuulutatud pärandvara pankrot või kui pankrotimenetlus on lõppenud pankrotti välja kuulutamata, raugemise tõttu.
[RT I 2010, 38, 231 - jõust. 01.07.2010]

§ 131. Pärandaja matuse kulud

(1) Pärija kannab pärandaja matuse kulud, arvestades tavasid ning pärandi suurust. Kui pärandvarast ei piisa pärandaja matuse kuludeks, kannab pärija need kulud oma arvel.

(2) Iga pärija kannab pärandaja matuse kulud võrdeliselt oma pärandiosa suurusega, kui testamendist või pärimislepingust ei tulene teisiti.

(3) Pärandaja võib testamendis või pärimislepingus määrata, kes tema matuse kulud kannab. Kui pärija või annakusaaja pärandvarast või annakust ei jätku pärandaja matuse kuludeks, kannavad teised pärijad pärandiosa või annakut ületavad matusekulud võrdeliselt oma pärandiosa suurusega.

§ 132. Pärandaja perekonnaliikmete ülalpidamise kulud

The testator's family members, who lived with the testator until his death and received maintenance from him, have the right to continue using the items of the joint household and receive maintenance at the expense of the inheritance within one month after the testator's death.

§ 133. Obligations according to the will and inheritance agreement

The heir who accepts the inheritance is obliged to fulfill the orders, bequests, destination orders, destination designations, compulsory part requirements and other obligations prescribed by the will or inheritance contract.

§ 134. The right to refuse to fulfill obligations

(1) Fulfillment of the obligation of the testator, as well as the fulfillment of the obligation specified in §§ 131 and 133 of this Act, may not be required of the heir before accepting the inheritance.

(2) If the court has implemented storage measures of the estate, the heir may refuse to fulfill the obligation of the testator, as well as the obligation specified in § 133 of this Act, until the storage measures are completed. This does not exclude the fulfillment of obligations by the guardian in the event that the administration of the estate has been assigned.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(3) The provisions of subsections 1 and 2 of this section shall not be applied if the creditor demanding the performance of the obligation has a lien on an object included in the inheritance to ensure the performance of the obligation and three months have passed since the opening of the inheritance or if a preliminary entry has been entered in the land register to ensure the performance of the obligation.

(4) The provisions of subsections 1 and 2 of this section shall not be applied even if a person requests the exclusion of an item belonging to him from the inheritance.

§ 135. Liability of the heir during the inventory of the inheritance

(1) If the heir demands an inventory of the inheritance, he may refuse to fulfill the obligation of the inheritor and the obligation specified in § 133 of this Act until the inventory is made, but not longer than the expiration of the term of the inventory.

(2) The provisions of subsection 1 of this section shall not be applied if the creditor demanding the performance of the obligation has a lien on an item included in the inheritance to ensure the performance of the obligation and three months have passed since the opening of the inheritance or if a preliminary entry has been entered in the land register to ensure the performance of the obligation.

(3) The provisions of subsection 1 of this section shall not be applied even if a person requests the exclusion of an item belonging to him from the inheritance.

(4) If the heir demands an inventory of the inheritance, the creditors of the heir may not satisfy their claim against the heir at the expense of the inheritance until the inventory is made, but not longer than the expiration of the term of the inventory.

§ 136. Compulsory inventory

(1) The inventory of the inheritance is mandatory if the heir is a person with limited legal capacity, a local government unit or the state.

(2) If the legal representative of an heir with limited legal capacity has not requested an inventory of the inheritance in the interest of the heir, he or she is personally responsible for the debts of the inheritor for which the inheritance was insufficient to satisfy.

§ 137. Submission of inventory claim and estate bankruptcy petition
[RT I, 04.01.2021, 4 - entered into force. 01.02.2021]

(1) The heir who accepted the inheritance may submit an inventory claim to the notary. If the heir submits a request for an inventory before accepting the inheritance, the notary appoints the person who takes the inventory after the person submitting the request for the inventory has accepted the inheritance.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(2) The heir may submit a demand for a notarized inventory to the notary also within three months after he became aware or should have become aware of circumstances from which it can be concluded that the estate is insufficient to satisfy the claims of the decedent's creditors.

(2[1]) The heir, executor or custodian of the estate is obliged to submit an application for the declaration of bankruptcy of the estate to the court within three months after he became aware or should have become aware of the circumstances from which it can be concluded that the estate is not sufficient for the purposes of clauses 142 (1) of § 142 of this Act 1 and 2 to satisfy the claims and the heir does not agree to satisfy them at the expense of his property.
[RT I, 04.01.2021, 4 - enters into force. 01.02.2021]

(3) [Repealed - RT I 2010, 38, 231 - entry into force. 01.07.2010]

§ 138. Designation of the inventor

The notary appoints a bailiff to take the inventory. If the inheritance opened in a foreign country, the notary appoints the bailiff in whose area of work the immovable belonging to the inheritance is located as the person who takes the inventory. If the inheritance opened in a foreign country and the inheritance does not include immovable property located in Estonia, the notary appoints the bailiff at his discretion.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

§ 139. Inventory procedure and deadlines

(1) The claimant of the inventory submits to the inventory taker a list of the inheritance and the obligations related to the inheritance known to him. The inventory taker can give the inventory claimant a deadline to supplement the submitted list.

(2) The notary shall present to the person taking the inventory the data known to him, which are necessary for taking the inventory.

(3) The person making the inventory has the right to receive information about the estate from the heir, a credit institution, as well as from another person in possession of the estate or who has information about the estate.

(4) The notary shall give a deadline for making the inventory, which may not be shorter than two months or longer than three months. The notary can extend the term of the inventory for a compelling reason.

(5) In the course of the inventory, a list of the inheritance is drawn up, in which all inherited things and rights and obligations existing at the time of the opening of the inheritance are entered, as well as the description and assessment necessary to mark them and determine their value. The list of the estate is submitted to the notary.

(6) If the inventory has been made during the implementation of the storage measure of the inheritance, it is not necessary to re-invent the inheritance at the request of the heir without a significant reason.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(7) Kui inventuur on ühe pärija nõudel tehtud, kehtivad käesoleva seaduse §-s 143 nimetatud tagajärjed kõigi pärijate suhtes, kes on nõudnud pärandi inventuuri. Sellisel juhul ei ole olulise põhjuseta vaja teise pärija nõudel pärandit uuesti inventeerida.

(8) Inventuuri tegemise kulud hüvitatakse pärandvara arvel.

(9) Valdkonna eest vastutav minister võib kehtestada pärandvara inventuuri tegemise täpse korra.
[RT I 2010, 38, 231 - jõust. 01.07.2010]

§ 140. Üleskutsemenetlus pärandaja kohustuste kindlakstegemiseks

(1) Pärandaja kohustuste kindlakstegemiseks tuleb inventuuri käigus viia läbi üleskutsemenetlus.

(2) Üleskutsemenetluse läbiviimiseks avaldab inventuuri tegija ametlikus väljaandes Ametlikud Teadaanded teate, mis peab sisaldama vähemalt järgmisi andmeid:
[RT I 2010, 38, 231 - jõust. 01.07.2010]
1) teade pärandaja surmast ja sellest, et pärija või muu õigustatud isik nõuab pärandi inventuuri;
2) üleskutse pärandvara suhtes nõudeid ja õigusi omavatele isikutele teatada oma nõuetest ja õigustest inventuuri tegijale ühe kuu jooksul üleskutse avaldamisest arvates;
3) nõudest või õigusest tähtaegselt teatamata jätmise tagajärjed.

(3) Üleskutsemenetluses ei pea teatama nõuetest, mis on tagatud käsipandiga või avalikku registrisse kantud pandiga, samuti käesoleva seaduse §-des 131–133 nimetatud nõuetest.
[RT I 2008, 53, 296 - jõust. 26.12.2008]

§ 141. Pärandvara nimekirja koostamine ja notarile esitamine

(1) Pärandvara nimekirja kantakse pärandvara hulka kuuluvad esemed, üleskutsemenetluses tähtaegselt esitatud nõuded ja käesoleva seaduse § 140 lõikes 3 nimetatud nõuded. Nimekirja kantakse ka pärandaja võlausaldajate nõuded, mis on inventuuri tegijale teada.

(2) Pärandvara nimekiri esitatakse notarile. Pärast pärandvara nimekirja notarile esitamist loetakse inventuur lõppenuks.

§ 142. Kohustuste täitmise järjekord

(1) Pärast inventuuri tegemist täidetakse pärandvaraga seotud kohustused järgmiselt:
1) esimeses järjekorras tasutakse pärandaja matuse, tema perekonnaliikmete ülalpidamise, pärandvara valitsemise ning inventuuri tegemise kulud;
2) teises järjekorras rahuldatakse üleskutsemenetluses tähtaegselt esitatud pärandaja võlausaldajate nõuded ja inventuuri käigus väljaselgitatud nõuded;
3) kolmandas järjekorras täidetakse annakud, sihtkäsundid ja sihtmäärangud.

(2) Järgmise järjekorra kohustused täidetakse pärast eelmise järjekorra kohustuste täielikku täitmist.

(3) Kui ühe järjekorra kohustuste täitmiseks ei jätku pärandvara, täidetakse need pärandvara arvel võrdeliselt nende suurusega.

(4) Kui pärija täidab kohustused muus kui käesolevas paragrahvis sätestatud järjekorras või eelistab kohustuse täitmisel üht võlausaldajat teisele, vastutab ta seeläbi ülejäänud võlausaldajatele tekitatud kahju eest.

(5) Pärandaja võib testamendis või pärimislepingus panna kohustuse täitmise mõnele pärijale või annakusaajale, kuid ei või muuta käesoleva paragrahvi lõigetes 1–3 sätestatud kohustuste täitmise korda.

(6) Kui pärandvarast ei jätku kõigi käesoleva paragrahvi lõike 1 punktides 1 ja 2 nimetatud nõuete rahuldamiseks ja pärija ei ole nõus nende rahuldamisega oma vara arvel, on testamenditäitja, pärandvara hooldaja või pärija kohustatud viivitamata esitama avalduse pärandvara pankroti väljakuulutamiseks.
[RT I, 04.01.2021, 4 - jõust. 01.02.2021]

§ 143. The heir's responsibility after the inventory has been made and the estate has been filed for bankruptcy
[RT I, 04.01.2021, 4 - entered into force. 01.02.2021]

(1) After the inventory is made, the heir's liability for obligations related to the estate is limited to the value of the estate.

(2) If the heir has fulfilled the requirement specified in § 141 subsection 1 of this Act before the inventory is made, he is thereby liable for the damage caused to the remaining creditors, if he knew or should have known at the time of fulfilling the obligation that the claims of the creditors of the testator may exceed the value of the estate.

(3) After the inventory is made, the heir is responsible for the fulfillment of claims not submitted on time in the appeal procedure only to the extent that he/she is still enriched at the time of notification of the claim at the expense of the estate.

(4) After filing a bankruptcy petition, the heir's liability for obligations related to the estate is limited to the estate. The heir is obliged to release to the bankruptcy estate what he has received or created from the decedent's property in connection with the opening of the inheritance. After the end of the bankruptcy proceedings, the heir is responsible for the fulfillment of claims not presented in the bankruptcy proceedings only to the extent that he was still enriched at the time of the claim being notified to him at the expense of the estate.
[RT I, 20.06.2022, 1 - enters into force. 01.07.2022]

(4[1]) In the bankruptcy proceedings conducted with respect to the decedent's estate, the claims of the bankruptcy creditors shall not be satisfied at the expense of the personal property of the heir, unless the obligation specified in the second sentence of subsection 4 of this section or another obligation arising from the law has been violated to the extent that damage has been caused to the bankruptcy creditors.
[RT I, 20.06.2022, 1 - enters into force. 01.07.2022]

(5) If the heir has fulfilled the creditor's claim by preferring one creditor to the other before submitting the bankruptcy petition of the estate, he is thereby liable for the damage caused to the remaining creditors, if he knew or should have known at the time of fulfilling the obligation that the claims of the creditors of the decedent may exceed the value of the estate.
[RT I, 04.01.2021, 4 - enters into force. 01.02.2021]

§ 144. Maliciousness of the heir when compiling the list of inheritance

(1) If the heir fails to disclose things or rights that are part of the inheritance in order to register the inheritance, or discloses non-existent obligations in order to harm the creditors of the decedent, the heir is responsible for fulfilling the obligations of the decedent with his own property as well.

(2) The provisions of subsection 1 of this section shall also apply to estate bankruptcy proceedings.
[RT I, 04.01.2021, 4 - enters into force. 01.02.2021]

§ 145. Responsibility of the inventor

If the person making the inventory wrongly does not enter a thing or a right that is part of the inheritance in the list of the estate or enters a non-existent obligation in the list of the estate in order to damage the interests of the creditor or other persons entitled to benefit from the inheritance, he is responsible for the damage caused on the basis of the bailiff's law.

§ 146. Delivery of inheritance

(1) A person who, as an heir, possesses an estate, but is not entitled to inherit, is obliged to hand over the estate to the heir, the executor of the will or the custodian of the estate.

(2) If the person specified in subsection 1 of this section has given a thing belonging to the inheritance to a person to whom he should not have given it, he has the right to claim the thing from the bona fide possessor as well.

(3) The person who issued the estate has the right to deduct from the transferred estate the costs of the funeral of the testator, which he has incurred, as well as those transferred to the legal heir and in order to fulfill the orders of the will and succession agreement.

(4) Along with the inheritance, the obligation that the person in possession of the inheritance had to assume due to possession of the inheritance is transferred to the heir.

Section 5
Co-heirs

Section 1
General settings

§ 147. Legal relations of co-heirs

If the inheritance has been accepted by several heirs (co-heirs), the inheritance belongs to them jointly (hereafter *joint inheritance*). The provisions of co-ownership apply to the community of the estate and the relations between co-heirs.

§ 148. Right of disposal of the notional part of the co-heir

(1) A co-heir may dispose of the notional part of the joint estate belonging to him. A co-heir may not independently dispose of items that are part of the estate or an imaginary part of them.

(2) Only the property rights and obligations of the co-heir are transferred to the acquirer of the share, in particular the right to claim the part of the inheritance that the co-heir would have received upon the division of the inheritance. The co-heir and the part acquirer are jointly and severally responsible for fulfilling the obligations of the inheritance.

(3) The acquirer of a share does not have the right to make a decision regarding the distribution of items of special commemorative value to the co-heirs, unless the agreement of the co-heirs states otherwise.

(4) The transaction by which the co-heir undertakes to acquire or dispose of a part of the joint estate or disposes of a part of the joint estate belonging to him must be notarized.

§ 149. Right of pre-emption of a co-heir

(1) Kui kaaspärija müüb oma osa pärandvara ühisusest kolmandale isikule, on ülejäänud kaaspärijatel ostueesõigus.

(2) Ostueesõiguse teostamise tähtaeg on kaks kuud.

(3) Osa võõrandaja peab osa omandi üleandmisest viivitamata teatama kaaspärijatele.

(4) Pärandvara ühisuse osa omandi üleandmisega kaaspärijatele vabaneb ostja vastutusest pärandvara ühisuse osa omandamisega kaasnenud pärandil lasuvate kohustuste täitmise eest.

§ 150. Tasaarvestamiskeeld

Võlgnik ei või pärandi hulka kuuluvat nõuet tasaarvestada talle mõne teise kaaspärija vastu kuuluva nõudega.

§ 151. Kohustuste ja kulude jaotamine

(1) Obligations falling on the inheritance, as well as the costs of the funeral of the deceased, maintenance of family members of the deceased, management of the estate and inventory, and other necessary expenses incurred in connection with the inheritance are distributed among the co-heirs in proportion to their share of the inheritance, unless otherwise determined by the will or inheritance contract.

(2) The heirs are jointly and severally responsible for the fulfillment of the obligation belonging to the estate.

Section 2
Division of the estate

§ 152. Definition and manner of dividing the estate

(1) Any co-heir may demand the division of the estate, unless otherwise provided by the provisions of § 155 of this Act. During the division of the estate, it is determined which things or their parts belong to the inheritance, as well as the rights and obligations of each co-heir.

(2) The estate is divided among the heirs according to their share of the inheritance, based on the normal value of the items included in the estate at the time of distribution. With the agreement of the heirs, the thing included in the inheritance can be valued on the basis of the special interest of the heir.

(3) When dividing the estate, the provisions on the division of jointly owned things shall apply, unless otherwise provided by this Act.

(4) Co-heirs shall divide the inheritance by agreement. In the event of a dispute, the estate is divided by the court at the request of the heir.

§ 153. [Repealed - RT I 2008, 53, 296 - entry into force. 26.12.2008]

§ 154. Partial division of the estate

(1) If the estate is divided only at the request of one or a few co-heirs, the other co-heirs shall continue to jointly possess, use and dispose of the part of the estate remaining to them.

(2) At least two co-heirs may demand that they be allocated a common inheritance, which they will continue to possess, use and dispose of on the basis of the provisions on joint ownership.

§ 155. Restrictions on the division of inheritance

(1) The division of the estate may be demanded only on the condition that all the heirs are known.

(2) If the heirs have concluded an agreement that the inheritance will not be divided within a certain period, the inheritance may not be divided before the agreed period has passed. If the term has not been agreed or the term is longer than ten years, the term is considered to be ten years from the day of the opening of the inheritance.

(3) The estate may not be divided within the term specified in the will or succession agreement, unless the heirs agree otherwise. If the will or succession agreement prohibits the division of the inheritance without specifying a term or the term is longer than 30 years, the term is considered to be 30 years from the day of the opening of the inheritance.

§ 156. Distributable property

(1) The estate also includes property acquired by the co-heirs on the basis of a right that is part of the estate or at the expense of the estate or as compensation for the destruction, damage or taking away of an object that is part of the estate. The provisions of §§ 162–164 of this Act are taken into account when dividing the estate.

(2) Profits are distributed only when the inheritance is divided. If distribution is excluded for longer than one year, the co-heir may demand distribution of the net income at the end of each year.

(3) In order to divide the inheritance, the heirs are obliged to disclose the information necessary to identify the property to be divided and to divide the inheritance.

§ 157. Claim of the testator against the heir

If the testator had a claim against the heir, this will be taken into account when assigning the property to be transferred to the debtor during the division of the estate.

§ 158. Fee for assisting the testator

A relative of the testator's successor, who is a co-heir and has significantly helped the testator with his property or work in the joint household or in economic or professional activities, and the inheritance has been preserved or increased as a result, may claim fair compensation for this at the expense of the inheritance during the division of the inheritance.

§ 159. Distribution of items belonging to the estate

(1) The special needs and interests of each co-heir and the wishes of the majority of the co-heirs, as well as the last will of the testator resulting from the will or inheritance contract, are taken into account when distributing items that are part of the estate.

(2) An object belonging to the estate, which cannot be divided into real parts or whose co-ownership would not allow the object to be used expediently, shall be given to one heir.

(3) If the heirs cannot agree on who to give the item to, it will be sold at a public auction or auction between the heirs, and the money received will be divided between the heirs in proportion to the size of their share of the inheritance.

(4) If, during the division of the inheritance, the value of the property remaining to one heir turns out to be greater than his share of the inheritance, the heir is obliged to pay financial compensation to the other heirs.

(5) Items belonging to the collection may not be separated from each other during the division of the inheritance, if either one of the heirs is against the separation or if the will or inheritance agreement does not state otherwise.

§ 160. Items of special commemorative value

Things of special memorial value to the family are not sold during the division of the inheritance, if one or more of the heirs is against it. In this case, the item is sold at an auction between the heirs.

§ 161. Additional division of the estate

If, after the distribution of the inheritance, it appears that part of the property has not been taken into account, this part will also be additionally divided.

Section 3
Pre-inheritance

§ 162. Definition of pre-inheritance

(1) Pre-inheritance is property that the testator has given to his descendant relative, who would be his legal heir when the inheritance opens.

(2) The gifted property is a pre-inheritance, if the testator so designated at the time of the gift.

(3) The provisions on pre-inheritance apply only to statutory inheritance. If the size of the inheritance shares in the will or inheritance agreement does not differ from the size of the statutory inheritance shares, § 162–164 of this Act shall also apply in the case of inheritance after the will.

§ 163. Transfer of prior inheritance

If the relative of the decedent who received the prior inheritance died after the inheritance was opened, has renounced the inheritance or has not accepted the inheritance, it is considered that the heir who took the place of the relative of the decedent has received the prior inheritance.

§ 164. Consideration of prior inheritance

(1) When determining the size of the inheritance to be divided, the value of the prior inheritance is taken into account. During the distribution of the items included in the inheritance, it is considered that the heir who received the prior inheritance has received the part of the inheritance corresponding to the prior inheritance.

(2) If the pre-inheritance is greater than the inheritance share of the heir who received it, the heir is not obliged to compensate the other heirs for the part of the pre-inheritance that exceeds the inheritance share. The share received by other heirs during the division of the estate is reduced by this amount.

(3) The heir who received a prior inheritance has the right to include the prior inheritance as part of the inheritance to be divided, if the value of the prior inheritance has not significantly decreased after receiving it. In this case, the gift is not considered a pre-inheritance.

(4) When dividing the inheritance, the property received as pre-inheritance is not considered if it is not still there and the pre-heir has not benefited from this property and is not to blame for its destruction.

Section 6
Inheritance procedure at the notary

§ 165. Competence of a notary

(1) The notarial acts mentioned in this chapter are performed by the notary with whom the succession proceedings have been initiated.

(2) Inheritance proceedings are carried out by an Estonian notary if the testator's last place of residence was in Estonia.

(3) If the testator's last place of residence was in a foreign country, the Estonian notary shall conduct the inheritance proceedings only with respect to property located in Estonia, provided that it is not possible to conduct the inheritance proceedings in a foreign country, or the proceedings conducted in a foreign country do not include property located in Estonia, or Estonia does not recognize a certificate of inheritance drawn up in a foreign country.

(3[1]) Inheritance proceedings are carried out by an Estonian notary if the European Parliament and Council Regulation (EU) No. 650/2012, which deals with jurisdiction, applicable law and the recognition and enforcement of decisions, the acceptance and execution of official documents in matters of inheritance and the creation of a European Certificate of Inheritance (OJ L 201 , 27.07.2012, pp. 107–134), according to which the succession procedure must be carried out in Estonia, applying Articles 4–15 and 17 of the said regulation. If the succession procedure to be carried out does not fall within the scope of Regulation (EU) No. 650/2012 of the European Parliament and the Council, this section shall apply the provisions of paragraphs 2 and 3.
[RT I, 10.03.2016, 2 - enters into force. 20.03.2016]

(4) A certificate of succession drawn up in a foreign country is recognized in Estonia in accordance with Regulation (EU) No. 650/2012 of the European Parliament and of the Council. If the mentioned regulation does not apply, then a certificate of succession drawn up in a foreign country is recognized in Estonia, if the procedure and legal meaning of its preparation are comparable to the provisions of Estonian law regarding the certificate of succession. In such a case, the provisions of the Code of Civil Procedure on the recognition of a foreign court decision shall apply to the recognition. Recognition is decided by Harju County Court.
[RT I, 10.03.2016, 2 - enters into force. 20.03.2016]

(4[1]) The provisions of subsection 4 of this section also apply to the recognition of other inheritance documents.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(5) Pärandist loobumise avalduse võib tõestada iga notar. Pärast pärandist loobumise avalduse tõestamist edastab notar avalduse pärimismenetlust läbiviivale notarile.

(6) Valdkonna eest vastutav minister kehtestab käesoleva seaduse alusel notari ametitoimingute tegemise korra.

§ 165[1]. Euroopa Parlamendi ja nõukogu määruse (EL) 2020/1783 rakendamine

(1) Eesti notar loetakse Euroopa Parlamendi ja nõukogu määruse (EL) 2020/1783, mis käsitleb liikmesriikide kohtute vahelist koostööd tõendite kogumisel tsiviil- ja kaubandusasjades (tõendite kogumine) (uuesti sõnastatud) (ELT L 405, 02.12.2020, lk 1–39), artikli 2 punkti 1 tähenduses kohtuks pärimisasja menetlemisel.

(2) At the request of an Estonian notary public, the provisions of this Act shall apply to the provision of assistance for the collection of evidence in another member state of the European Union in an inheritance matter pending before him, to the extent that the provisions of Regulation (EU) 2020/1783 of the European Parliament and of the Council do not differ.

(3) The collection of evidence in another member state of the European Union takes place in accordance with the procedure provided for in Regulation (EU) 2020/1783 of the European Parliament and of the Council with the help of a court of another country or directly.
[RT I, 10.02.2023, 2 - enters into force. 20.02.2023]

§ 166. Initiation of inheritance proceedings

(1) In order to initiate inheritance proceedings, the heir, creditor of the legatee, legatee or other person having rights to the inheritance shall submit a notarized application to the notary.

(2) The initiator of the inheritance proceedings shall state when the heir became aware of his right to inherit and whether he has accepted the inheritance.

(3) In the application for initiation of inheritance proceedings, the initiator of the proceedings submits information about the opening of the inheritance, the heirs known to him and possible compulsory beneficiaries, the wills and inheritance agreements known to him, and the obligations of the legatee known to him.

(4) Before accepting the application for initiation of inheritance proceedings, the notary checks from the inheritance register whether inheritance proceedings have been initiated in the same inheritance case.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

(4[1]) The notary shall make an entry in the inheritance register regarding the initiation of inheritance proceedings immediately after receiving the application for the initiation of inheritance proceedings.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

(5) Inheritance proceedings are carried out by a notary, who is entered in the inheritance register as the executor of the succession proceedings. If, according to the inheritance register, the inheritance procedure has already been initiated by an application submitted to another notary, the notary who accepted the later application forwards it to the notary conducting the inheritance procedure.
[RT I, 09.10.2013, 1 - enters into force. 19.10.2013]

§ 167. Conduct of inheritance proceedings

(1) The notary checks the inheritance register for information about the testator's wills and inheritance contracts and, if the said documents are not in the inheritance register's archives, based on these data, he sends a notice about the opening of the inheritance to the custodians of the said documents and asks them to send the documents to him.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

(1[1]) On the basis of the request of the person entitled to initiate inheritance proceedings, or in the case of justified necessity, the notary makes a request to the relevant register of a foreign country to find out the will and inheritance contract of the testator.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

(2) The notary makes inquiries about the rights and obligations of the testator in the registers, the list of which is established by regulation of the minister responsible for the field .

(3) The notary submits an inquiry about the rights and obligations of the testator in electronic form to the credit institutions operating in the Republic of Estonia, the list of which is established by a regulation of the minister responsible for the field . The credit institution that has received the inquiry, which has information about the rights and obligations of the testator, is obliged to submit this information to the notary free of charge in electronic form within ten working days from the receipt of the inquiry.
[RT I, 09.10.2013, 1 - enters into force. 19.10.2013]

(4) On the basis of a notarized application of the initiator of the inheritance procedure or other person having rights to the estate, the notary may, in addition to the provisions of subsections 2 and 3 of this section, make inquiries of other persons as well.

(4[1]) If the testator was married at the time the inheritance was opened and the type of property relationship of the spouses was a joint property relationship, the notary shall submit the inquiries and inquiries provided in subsections 2-4 of this section also regarding the rights and obligations of the surviving spouse of the testator.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(5) In order to determine the authenticity of a will signed in the presence of witnesses, the notary has the right to hear the witnesses specified in § 23 of this Act.

§ 168. Notice on initiation of inheritance proceedings

(1) Not later than two working days after initiation of succession proceedings, the notary publishes a notice about it in the official publication Ametlikud Teadaanded.

(2) The notary shall send the heirs known to him a notice about the initiation of the inheritance procedure. The notary also informs other persons who have been granted rights or assigned obligations by the will or succession agreement.

(3) In the case of inheritance based on the last will, the notary also informs the persons who would have inherited in the case of statutory inheritance. If such a person or his place of residence is unknown, § 169 of this Act shall apply.

(4) The list of data contained in the notices specified in subsections 1–3 of this section shall be established by a regulation of the minister responsible for the field .
[RT I, 09.10.2013, 1 - enters into force. 19.10.2013]

(5) [Repealed - RT I, 09.10.2013, 1 - entered into force. 28.10.2013]

§ 169. Appeal procedure for determining the heir

(1) If the heir is not known or there is no reliable information about his place of residence, the notary shall carry out the invitation procedure to identify the heir.

(2) The notary publishes a call for the identification of the heir in the official publication Ametlikud Teadaanded. The notary can also publish the call in another publication.

(3) If the notary public has not published a notice of the initiation of the inheritance procedure before the invitation procedure for identifying the heir, he shall publish the invitation together with the notification of the initiation of the inheritance procedure.

(4) [Repealed - RT I, 09.10.2013, 1 - entry into force. 28.10.2013]

(5) [Repealed - RT I, 09.10.2013, 1 - entered into force. 28.10.2013]

§ 170. Disclosure of information during succession proceedings

(1) Pärimismenetluse algatamiseks õigustatud isikul on pärimismenetluse läbiviimise ajal õigus saada notarilt infot selle kohta, kes on pärandi vastu võtnud ja kes on pärandist loobunud. Sama õigus on ka viimse tahte alusel toimuva pärimise puhul isikul, kes oleks pärinud seadusjärgse pärimise korral.

(2) Käesoleva paragrahvi lõikes 1 nimetatud isikutel on õigus tutvuda ka käesoleva seaduse §-s 167 sätestatud päringute ja järelepärimiste tulemustega.

(3) Viimse tahte alusel toimuva pärimise puhul on isikul, kes oleks pärinud seadusjärgse pärimise korral, testamendiga ja pärimislepinguga tutvumise õigus. See õigus on nimetatud isikul ka pärast pärimistunnistuse tõestamist.
[RT I 2010, 38, 231 - jõust. 01.07.2010]

§ 171. Pärimistunnistus

(1) Notar tõestab pärimistunnistuse, kui pärija pärimisõigus ja selle ulatus on piisavalt tõendatud, kuid mitte enne ühe kuu möödumist käesoleva seaduse § 168 lõikes 1 nimetatud teate avaldamisest.
[RT I 2010, 38, 231 - jõust. 01.07.2010]

(1^1) Notar tõestab Euroopa pärimistunnistuse Euroopa Parlamendi ja nõukogu määruse (EL) nr 650/2012 kohaselt.
[RT I, 10.03.2016, 2 - jõust. 20.03.2016]

(2) Mitme pärija korral märgib notar pärimistunnistuses iga pärija pärandiosa suuruse.

(3) Kui pärimistunnistus tõestatakse eelpärija kohta, tuleb pärimistunnistuses märkida, et pärija on eelpärija, ning nimetada järelpärija ja tingimused, millal pärand läheb järelpärijale üle. Käesoleva seaduse §-s 54 nimetatud juhtudel tuleb pärimistunnistuses märkida, et eelpärija on vabastatud piirangutest pärandvara käsutamisel ning on õigustatud pärandvara vabalt käsutama.
[RT I 2010, 38, 231 - jõust. 01.07.2010]

(4) Kui testaator on määranud testamenditäitja, märgib notar pärimistunnistuses testamenditäitja nime ja isikukoodi.

(5) If the testator was married at the time the inheritance was opened, the notary notes on the inheritance certificate the first name and surname of the testator's surviving spouse, social security number, time of marriage and the type of property relationship applicable to the property relations of the spouses. If the testator's marriage had ended before the opening of the inheritance, but the common property of the spouses had not been divided, the notary also notes this fact on the inheritance certificate and the first and last name, personal identification number, time of the marriage and the type of property relationship applicable to the property relations of the spouses.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(6) If within a reasonable period of time from the publication of the invitation, the heir's right to inherit or its extent is not sufficiently proven to prove the inheritance certificate, the notary certifies the inheritance certificate, in which he notes the information about the persons who have accepted the inheritance, which became known to him during the inheritance procedure, as well as, if possible, the information about the persons about who may be entitled to it.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(7) If a person's right of inheritance is established in a court decision that replaces the inheritance certificate, the court decision resolution shall also state all the information that is stated on the succession certificate according to the law.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

§ 172. Certificate of donee

(1) A notary certifies the heir, executor or legatee on the basis of a notarized statement on the claim arising from the bequest (hereinafter *the legatee's certificate*).

[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(2) The donee's certificate shall state the donee and the item designated as a gift.

§ 173. Certificate of recipient of compulsory share

(1) On the basis of a notarized application of the heir, executor or person entitled to receive a forced share, a notary certifies a certificate about the claim arising from the forced share (hereinafter *the certificate of the recipient of the forced share*).
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(2) [Repealed - RT I 2010, 38, 231 - entry into force. 01.07.2010]

(3) In the certificate of the recipient of the forced share, the recipient of the forced share and the amount of the forced share are indicated as a notional part of the inheritance.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(4) [Repealed - RT I 2010, 38, 231 - entry into force. 01.07.2010]

§ 174. Drafting of a certificate

(1) The notary may first prepare a draft of the inheritance certificate, the heir's certificate, the compulsory share recipient's certificate or the executor's certificate and set a later deadline for the certification of the certificate.

(2) In the case provided for in subsection 1 of this section, a notary public certifies a certificate in accordance with the previous draft, if he has not received a court order prohibiting the certification of the certificate by the due date for the certification of the certificate.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

§ 175. Revocation of certificate

(1) If after proving the certificate of inheritance, the certificate of the legatee, the certificate of the recipient of compulsory share or the certificate of the executor, its inaccuracy is revealed, the notary shall declare it invalid on the basis of a notarized application of the person interested in the matter or on his own initiative.

(2) Upon invalidation of the certificate, the notary shall carry out a new succession procedure. If, on the basis of an invalidated certificate, an entry has been made about the heir in the land register, and it can be assumed that the entry can be corrected, the notary submits an application to register an objection in the land register.

(3) The request for invalidation of the certificate must be submitted within three years from the date of becoming aware of the grounds for its invalidity or from the date of becoming aware of it, but not more than 30 years after the opening of the inheritance.

(4) If the notary refuses to invalidate the certificate proved in the inheritance procedure, a person with a legitimate interest may demand the invalidation of the certificate in court. An action for annulment of a certificate is filed against a person who is the entitled person according to the certificate.

(5) At the request of an interested person, a notary public or a court may restore the deadline specified in subsection 3 of this section. The provisions of the Code of Civil Procedure regarding the reinstatement of the procedural term apply to reinstatement.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

Chapter 7
INHERITANCE REGISTER

§ 176. Keeping the inheritance register

(1) [Repealed - RT I, 09.10.2013, 1 - entry into force. 28.10.2013]

(2) The inheritance register is kept by the Chamber of Notaries (hereinafter *the registrar*).
[RT I, 09.10.2013, 1 - enters into force. 01.01.2015]

(2[1]) The inheritance register is an electronic database, the purpose of which is to contribute to the correct execution of the inheritance procedure and to ensure the protection of the rights of the heir and legatee, to enable the electronic preservation and transmission of documents and data and to inform the public.
[RT I, 10.03.2016, 2 - enters into force. 20.03.2016]

(2[2]) The responsible processor of the inheritance register is the Ministry of Justice, and the authorized processors are notaries, special consular officers and courts.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

(3) The minister responsible for the field shall establish by regulation the procedure for keeping the inheritance register, making entries in the inheritance register and issuing information from the inheritance register.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

(4) The provisions of the Public Information Act on databases shall apply to the inheritance register and its maintenance, with the exceptions provided for in this Act.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

(5) [Repealed - RT I, 09.10.2013, 1 - entered into force. 28.10.2013]

§ 176[1]. Composition of the inheritance register

(1) The inheritance register consists of the data entered in the register and the archive. The information entered in the inheritance register has an informative meaning.

[RT I, 10.03.2016, 2 - enters into force. 20.03.2016]

(2) Data on wills, inheritance agreements, measures to preserve the inheritance, inheritance procedures, certificates of inheritance, European inheritance certificates and transfer of a part of the inheritance and those who perform procedural actions, heirs and inheritors, as well as other inheritance procedures and transfer and Regulation (EU) No. 650 of the European Parliament and of the Council shall be entered in the inheritance register. /2012 data on the suspension, continuation and termination of succession procedures.
[RT I, 10.03.2016, 2 - enters into force. 20.03.2016]

(3) Digital copies of wills, excluding domestic wills, and inheritance agreements are stored in the archives of the inheritance register. A digital copy of the original will or inheritance contract is considered equal to the original, if there is no indication in the inheritance register that the digital copy was made from a copy of the will or inheritance contract.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

§ 176[2]. Information to be entered in the inheritance register
[Repealed - RT I, 10.03.2016, 2 - entered into force. 20.03.2016]

§ 176[3]. Data retention period entered in the inheritance register

(1) Data on wills and inheritance agreements are permanently stored.

(2) Data on the implementation and modification of inheritance storage measures shall be stored for 30 years from the entry in the inheritance register.

(3) Data on the certification of the inheritance certificate and the transfer of a part of the joint estate shall be kept for 30 years from the entry in the inheritance register.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

§ 177. Basis for entry in the inheritance register
[Repealed - RT I, 09.10.2013, 1 - entered into force. 28.10.2013]

§ 177[1]. Inheritance register entries

(1) Entries in the inheritance register related to official activities are made by a notary public.

(2) An entry in the inheritance register can also be made by a court or a consular officer.

(3) The testator or the person to whom the testator has deposited the will may notify the making of a domestic will and its amendment and cancellation:
1) via the corresponding online service or
2) by submitting a corresponding notification to the registrar.

(4) In the case specified in point 2 of subsection 3 of this section and in the situation where there is no other competent authority to make the entry, the registrar makes the entry in the succession register.
[RT I, 10.03.2016, 2 - enters into force. 20.03.2016]

(5) A service fee of five euros shall be paid for making the entry specified in subsection 4 of this section.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

§ 178. Keeping data confidential

The information entered in the register about the will and the inheritance agreement will be kept secret until the inheritance is opened.

§ 179. Provision of information from the inheritance register

(1) Anyone can consult the data of the inheritance register after the death of the testator has been certified. Information on the mutual will of spouses is provided after the death of one of the spouses.
[RT I, 10.03.2016, 2 - enters into force. 20.03.2016]

(2) The testator's first and last name and personal identification number are sufficient to consult the data entered in the inheritance register.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

(2[1]) It is possible to consult the data of the inheritance register at a notary office or through the corresponding website.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

(2[2]) The registrar responds to inquiries from a foreign will register, inquiries from a foreign competent authority on the basis of Article 66(5) of Regulation (EU) No. 650/2012 of the European Parliament and of the Council, and other inquiries in which there is a legal basis for obtaining data, but there is no competent authority to issue the data. .
[RT I, 10.03.2016, 2 - enters into force. 20.03.2016]

(2[3]) A notary's fee shall be paid for examining the data of the inheritance register at a notary's office in accordance with the Notary's Fees Act, unless otherwise stipulated in the Notary's Fees Act.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

(2^{4}) The data entered in the inheritance register are disclosed as up-to-date and in a manner and form that enables the download of information received as a single request in a machine-readable form. Automated requests are opened only for the performance of a public task arising from the law.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

(3) At the request of the person, the notary confirms the printout of the data of the succession register.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

(4) [Repealed - RT I, 09.10.2013, 1 - entry into force. 28.10.2013]

(5) In the case specified in subsection 2^{2} of this section, the keeper of the foreign will register shall pay the registrar a service fee of three euros for answering the request.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

Chapter 8
IMPLEMENTATION PROVISIONS

§ 180. Application of the Inheritance Act

Inheritance is subject to the law in force at the time the inheritance was opened, unless the implementation provisions of this law state otherwise. The scope of the law applicable to inheritance is determined according to § 26 of the Private International Law Act.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

§ 181. Testament

(1) A will or an inheritance agreement is valid if it was made in accordance with the law in force at the time the will was made or the inheritance agreement was concluded.

(2) The provisions of §§ 28–34 of this Act apply to the interpretation of the text of a will made before January 1, 2009.

§ 182. Gift

If the inheritance has opened before January 1, 2009 and the legacy is executed after January 1, 2009, the provisions of §§ 67–69 of this Act shall apply to the execution of the legacy.

§ 183. Order of fulfillment of obligations

If the inheritance has opened before January 1, 2009 and the obligation is fulfilled at the expense of the inheritance after January 1, 2009, the provisions of this Act shall apply when determining the order of fulfillment of obligations.

§ 184. Legal relations of co-heirs

If the inheritance has opened before January 1, 2009 and the rights of the co-heirs are exercised, the obligations are fulfilled or the inheritance is distributed after January 1, 2009, the provisions of §§ 147–157 and 159–161 of this Act shall apply.
[RT I 2010, 38, 231 - entry into force. 01.07.2010]

§ 184^{1}. Keeping the inheritance register

(1) Until January 1, 2015, the inheritance register is kept by the Harju County Court.

(2) From September 1, 2013 until the handing over of keeping the inheritance register to the Chamber of Notaries, a notary, court and consular officer may, instead of making an entry in the inheritance register, submit a corresponding notification to the Harju County Court.

(3) Until the inheritance register is handed over to the Chamber of Notaries, the data entered in the inheritance register can also be consulted in the inheritance register of the Harju County Court.
[RT I, 09.10.2013, 1 - enters into force. 28.10.2013]

§ 185. – § 189. [Omitted from this text.]

§ 190. Entry into force of the law

This Act enters into force on January 1, 2009.