



EULawInEN

EU LAW TRAINING IN ENGLISH LANGUAGE:
BLENDED AND INTEGRATED CONTENT AND LANGUAGE TRAINING
FOR EUROPEAN NOTARIES AND JUDGES



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LEGAL ENGLISH IN PRACTICE		Charlotte Oliver - April 2019
GLOSSARY OF TERMS IN SUCCESSION AND PROPERTY LAW		
TERM	DEFINITION	SYNONYMS
Administrator	In some states, the property of the deceased vests directly in the heirs. In other states property vests directly in Administrators, Executors or Personal Representatives who are responsible for ensuring the estate is correctly distributed and all debts and liabilities are paid.	Executor, Personal Representative
Admissibility	A Disposition of Property upon Death is admissible if the applicable law considers it capable of recognition and able to produce its material effect, subject to its substantive validity	
Agreement	Where two parties reach consensus on a set of facts or course of action.	
Agreement as to succession	The agreement as to succession allows two or more parties to plan their future succession in contemplation of the death of any of the parties, by appointing one or more heirs, waiving forced heirship rights and the assignment of the estate or portions of it	Succession agreement, succession pact. Also see Joint wills

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Assets	Property, whether immovable or movable, which makes up the estate	Property
Attestation	A clause whereby a person states that they have witnessed a document eg a will	
Attribution	The transfer of property of an estate to one heir in particular	Assignment, designation
Authentic instrument	A formal legal document (such as a deed, bond, or agreement)	
Beneficiary	Any person or entity (like a charity) who is to receive assets or profits from an estate	Heir

Bequeath	To give or leave by will (used especially for "personal property")	Leave
Binding	An agreement involving an obligation or provided with legal authority	Example: a binding clause in the contract
Burden	A restriction on a property right	Encumbrance, lien, charge
Charges/legal charges	Any legal document signed by a borrower and which is registered against a property at the Land Registry, so as to alert any potential buyer of the existence of a debt.	
Chattels	Refers to personal effects (contents of household) or whatever may not be easily defined as movable or immovable	

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Clawback	(Principle of civil law systems) After death of a testator in order to calculate the gross estate and the reserved portion to be attributed to heirs claiming forced herishp rights, the value of lifetime gifts are taken into account	
Co-ownership: joint tenancy and tenancy in common	In most common law countries, there are two forms of co-ownership: the joint tenancy and the tenancy in common	
Conveyance	The legal process of transfer of property	Sale
Deceased	A person who has recently died	Latin: "de cuius"
Declaration	A statement, usually made under oath or in the presence of a lawyer (statutory declaration)	Affidavit
Deed	Written document signed in the presence of two witnesses (English law), Notarial act (civil law)	Contract, Declaration, Document, Record
Dependent relative	A relative who is unable to maintain him/herself due to incapacity due to age, ongoing education or infirmity	
Devise (noun)	To dispose of real property	"I hereby give, devise, and bequeath to my son Marcus € 10,000"
Disinherit	To exclude a person who would by law be a rightful heir from the inheritance	

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Disqualification	An heir who is prevented by operation of law from receiving an inheritance due to conduct (such as a sentence to life imprisonment)	
Disposition of Property Upon Death	This includes a Will, a Joint Will or an Agreement as to Succession to the extent that such documents dispose of future rights rather than present rights	Last Will and Testament
Disposable part of the estate	The portion of the estate which is at free disposal of the testator (only relevant to legal systems with forced heirship rules)	
Domicile	In common law countries this is the state of origin or closest connection which usually has a degree of permanence. Domicile of "origin" or domicile of "choice".	Abode, place of residence, dwelling
Easement	A non-possessory right to use and/or enter onto the real property of another without possessing it, may be active or passive	
Encumbrance	A burden on the property, ie an adverse right which may affect its value, for example a mortgage	
Estate	The Property owned by the deceased or in which he had a proprietary interest or entitlement at the time of his death. This may also include assets, rights and obligations.	
Executor/executrix	The person nominated in a Last Will and Testament to administer the estate of a deceased person	
Forced heirship	A feature of civil-law legal systems which do not recognize total freedom of disposition	

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Formal Validity	Whether a document in the way that it is written or structured fulfills the rules of the Hague Convention of Testamentary Dispositions or Art. 27 of the SR	
Grant of Representation	The document issued by the Probate Registry in the UK, which is needed to confirm the legal status and ability of a Personal Representative to deal with the Estate of the deceased. If the deceased left a Will appointing Executors, then the Grant will be known as the Grant of Probate. If there was no Will, the deceased's next-of-kin apply instead for a Grant of Letters of Administration. English Law	Grant of Probate, Letters of Administration
Heir	Can also be described as Beneficiary. A person entitled to the residue of the estate after payment of obligations.	Beneficiary
Inheritance	Whatever one receives upon the death of a relative due to the laws of descent and distribution, when there is no will.	
Intestate succession	Any succession regulated by Law when a person dies without leaving a valid will	

Issue	A person's children or other lineal descendants such as grandchildren and great-grandchildren. It does not mean all heirs, but only the direct bloodline.	
Joint wills		
Last will and testament	A written document which leaves the estate of the person who signed the will to named persons or entities	
Leasehold	A leasehold estate is an ownership of a temporary right to hold land or property in which a lessee or a tenant holds rights of real property by some form of title from a lessor or landlord.	

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Legacy	An outright gift made in a will	
Legalise	To validate the authenticity of a public document for use abroad	Legitimise, authenticate
Legatee	One to whom a legacy is bequeathed	
Liabilities	The debts and obligations of an estate or a business owed to its creditors	Debts, Obligations
Liquidation	To release the monetary value of assets ie convert to cash funds	
Lis pendens rule	Latin term for a rule that, in principle, precludes one Court from considering a case that is already pending before another Court that also has proper jurisdiction over the matter	
Marriage settlements	A written agreement regarding matters of support, custody, property division, and access to children upon a couple's divorce	Called also marriage settlement agreement, pre-nuptial agreement
Matrimonial property regime	The system of property management and ownership rights between spouses or civil partners	
Opening of the succession	The precise moment, cause or place that a succession begins, which may be automatically on death or may require an act of an heir or Administrator	

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Ownership	Exclusive legal right to possession	
Probate	Legal permission provided by a Probate Registry for someone to deal with someone else's estate after they die leaving a will	
Renunciation	A declaration by which a person claims they will abandon their rights and not pursue any legal action	
Rights in rem	Real rights to use, enjoy or dispose of property	
Sale	Transfer of something in return for money (or other thing of value) on terms agreed upon between buyer and seller.	Conveyance (sale of property)
Spouse	The married partner / a husband or wife, considered in relation to their partner.	
Statute	Legislation approved by the Parliament	
Succession law	The rules governing the whole transmission process of the estate of a deceased person	
Surviving spouse	The partner surviving the spouse who died	
Tenancy in common	A shared tenancy in which each holder has a distinct, separately transferable interest	

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Testator/testatrix	A person who has written a will disposing of his or her assets on death	
Transfer	The movement of property from one person or entity to another or the passage of title to property from the owner to another person.	
Title	The formal right of ownership of property, enforceable in a court of law, also includes proof of such ownership (also known as "title deeds")	
Usufruct	Right to use something belonging to another, life interest	
Waiver	A declaration that a person wants to decline liability or renounce rights	Renunciation

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