



DRT

DPRI2510 Notarial judicial law

[45h] 7 credits

Teacher(s): Jean-Luc Ledoux, Jean-François Van Drooghenbroeck
Language: french
Level: 2nd cycle course

Aims

The aim of this course is not a more in-depth study of the subjects covered in the general judicial law course taught in the third year (BAC 3). The aim here is in fact quite specific: to initiate future notaries public into judicial procedures that are directly related to notarial practice. On the basis of the course notes handed out to the students, the various procedures are thus successively analysed from both a theoretical and a practical point of view. The theoretical presentation brings out the essential principles and rules that underlie each procedure by insisting on the links and connections existing between the former, as well as the rules and principles of civil law, commercial law and tax law. The practical approach is mainly centred on the specific problems with which a notary public is faced while implementing each of these procedures.

Main themes

The content is directly related to the aims defined above. The first part of the course examines a number of notarial procedures, most of which are related to the preliminaries to the settlement of an estate and the settlement itself, as well as the partitioning of joint real property. The following topics are successively considered: sealing of the inventory, the sale of real property of legally incapable persons and comparable categories, some sales of chattels, amicable partitions and partitions by the court, as well as a brief survey of the procedural rules relating to beneficiary acceptance. The second part of the course is entirely devoted to the attachment of real property with a reminder of the general principles relating to enforceability of both judicial acts and notarial deeds. This part ends by looking at the order of payment of creditors. Each chapter is introduced with a bibliographical note. Moreover, interesting case-law decisions are commented on during lectures, most often referring to the particulars of one or other particularly relevant type of specific problem encountered by notaries public.

Content and teaching methods

- 1) The method has been described above.
- 2) Summary

The following subjects are taught in the form of stand-alone "modules" (the order depends on the availability of teachers and possible guest speakers) :

- seals,
- the inventory,
- judicial sale of real property,
- auction sale of chattels,
- partitions by the court and sale by auction of property held indivisum,
- judicial aspects of acceptance without liability to debts beyond the assets descended (with reservations),
- the attachment of real property,
- attachments, attachments against debts and debt assignments, in the hands of the notary public,
- order of payment and distribution order,
- collective settlement of debts,
- relations between notaries public and the court that appointed them.

Other credits in programs

NOT3DS Licence en notariat (Diplôme d'études spécialisées)

Mandatory