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### **Inheritance - how property is distributed**

The chapter on inheritance, testament and inheritance in Cyprus is extensive. For this reason, the most frequent questions regarding this topic are mentioned here, in particular, how to determine the legality of the application of the laws of Cyprus to the inheritance of a person's property and how important the presence or absence of a will is to inherit.

After the death of a person, his property in general is transferred to one or more persons. Inheritance can occur either by will or in accordance with the law. The Cyprus legal system regulates the succession of the property of any person who has a permanent place of residence in the Republic, as well as the succession in respect of the immovable property of any person who does not reside permanently in the Republic.

### **Place of origin and place of residence by choice**

Every citizen has at any time:

- a) a permanent place of residence, which is acquired from birth and is called "place of origin",
- or
- b) the place of residence (different from the place of origin), which is acquired or which person owns at own expense, called "the place of residence by choice".

If the deceased person has a birth child who was born during the life of his father, the place of birth of the child is considered to be his father's place of residence at the time of the child's birth.

In the case of a child born out of marriage, or born after the death of father, the place of origin of the child is the place of residence of the mother of the child at the time of birth.

A person acquires a place of residence by choice if person's home is located anywhere in the Republic of Cyprus and if resides in this place or lives indefinitely but not otherwise. At the same time, if a person serves in the navy or in the National Guard, or is in the public service in the UK, this does not mean that person has acquired a residence by choice in the Republic of Cyprus.

The place of origin exists and remains until the place of residence is chosen by choice.

The residence of choice is maintained until it is abandoned. In such cases, either a new residence is acquired by choice, or the place of origin is restored.

### **Inheritance rules**

Inheritance of movable property of a person who died in the Republic but was not a permanent resident of the Republic is governed by the laws of the country in which he was a permanent resident at the time of his death.

No person may have more than one residence for the purpose of inheriting movable property. A child born after the death of father has the same right to an inheritance as if he was born before the death of a person whose inheritance he can claim. A prerequisite is proof that such a child was conceived in the year of the person's death, after which the inheritance remained.

## **Will**

Each person may, through a will, which is made out properly, legally dispose, in whole or in part, of inherited property. It should, however, be borne in mind that a will made by a person who is not in his right mind, or a person who has not reached the age of majority, is not valid. A will, or any part of it, drawn up with the use of fraud or psychological pressure directed against the testator, is invalid and lacks a legal basis.

If the succession depends on an unprotected, illegal or unethical condition, this condition is invalid, but the succession remains valid.

A will is considered to be revoked, in particular, if the testator entered into a marriage after drawing up a will, if a child was born after a will was made, provided that the testator did not have children at the time of drawing up the will. If such a marriage or such child birth took place, the testament does not respond - on the condition that the text clearly reflects the prospects of such a marriage or childbirth.

### **Available part of the inheritance**

When a person died, leaving:

(A) the spouse and child, or the spouse and descendant (grandchild), the available portion of the inheritance will not exceed a quarter of the net worth of the inheritance;

(B) a spouse, father or mother, but not a child or descendant, the available portion of the inheritance will not exceed half the net worth of the inheritance;

(B) neither the spouse, nor the child, nor the descendant, nor the father, nor the mother, the available part of the inheritance is all inheritance.

When a married person dies, the spouse has the right, after paying off the debts and obligations with which the inheritance is burdened, to share, according to the law, in the accessible part of the inheritance and in the unused part of the inheritance. If except spouse:

a) there are children or descendants, the share of the spouse is equal to the share of each of the children;

b) there are no children or descendants, but there are ancestors or descendants up to the third degree of kinship with the deceased person, the spouse's share is half in accordance with the Law on the inaccessible part of the inheritance and the unallocated part of the inheritance;

c) there are no descendants, no ancestors, no descendants up to the third degree of kinship with the deceased person, but there are descendants or ancestors of the fourth degree of kinship, the spouse's share is three-quarters of the inheritance in accordance with the Law on the inaccessible part of the inheritance and the unallocated part of the inheritance;

d) there are neither descendants, nor ancestors, nor descendants up to the fourth degree of kinship with the deceased, the entire inheritance passes to the spouse / spouse in accordance with the Law on the inaccessible part of the inheritance and the unallocated part of the inheritance.

If the deceased left more than one legal spouse, the share relying on the spouse according to the law should be divided equally between such spouses.

### **Additional clarifications**

Any person who, on the basis of the will of the deceased person, is the heir of any part of the available inheritance, is not limited in any way from accepting any part of the inaccessible inheritance or part of the unallocated inheritance, if it has the right to do so.

Any child or descendant of the deceased person, who is the heir of any part of the available inheritance and part of the unallocated inheritance, takes into account in the process of calculating the share of any movable and immovable property, which he accepted from the deceased person in the form of life-long use or on the basis of a marriage contract, or in the form of a dowry or gift due to death.

It is understood that no such movable or immovable property is taken into account if the deceased person left a will in which there is a special order not to include such movable or immovable property in the calculation.

Receipt of inheritance by relatives if the person cannot claim inheritance, taking into account the proportion of the living spouse; a class of persons entitled to claim the inheritance of the deceased person on the basis of the law, a part of the available and unallocated inheritance; as well as the shares to which they have rights, if there are more than one such person, are set out in the Annex of the relevant law.