CONFLICTING NORMS REGARDING INHERITANCE

Alexandra Crişan, Legal Adviser

Abstract: To the notion of inheritance or succession it is confered in doctrine and in practice a wide meaning, in the sense that it designates any kind of transmission of rights, as well between the living but as well as for a death cause, a transmission that can be universal, with universal title or with a particular title. The rules that govern the inharitence can be applied only in the case of the death of a natural person, not in the case of ceasing of a juridical person.

Keywords: conflictual norm, legal inheritance, testamentary inheritance, movable property, immovable assets.

Chapter 1 Introductory notions on the heritage

1.1 Inheritance – theory

In common language, by succession, we can understand a set of persons, facts or phenomena. However, legally speaking, by hereditament, heritage or heredity (which are notions alike), we can understand the transfer of patrimony, of a part of patrimony or of singular assets from a deceased individual or one or several individual who are alive (individual, legal entities or the State).

In the technical specialized language, the deceased person, the defunct, is also called *de cujus*, abbreviation from the formula of Roman law *is de cujus succesionis (rebus) agitur* (the one whose heritage / assets we are talking about). It is improper to talk about the "death of the defunct" (art. 653 Civil Code) or the "homicide of the defunct" (art. 655 Civil Code). Sometimes the term "author" is also used (e.g., the joint author of the co-heirs), and in case of the testamentary succession, that of the "testator".

The individuals that attain the patrimony of the defunct are called heirs, devisees or successors, and Romanian Civil Code frequently uses the bookish term "erede", "erezi", "coerezi"[1] (e.g., art. 692, 693, 696, 699, 701, 703, 704, 707-714 etc.). In case of the testamentary succession, the acquirer is specifically called legatee (universal legatees, with universal or particular title, as the case may be).

Within the right of heritage, the notion of "hereditament" is used only in case of transfer of the patrimony of an individual – deceased to one or several individuals – who are alive, but also to the patrimony transferred due to the death, meaning estate of the deceased person. In this regard, we are talking about the heritage (hereditament) left by the deceased person, by the heritage acquired by the heirs, of the dormant heritage or hereditament (*hereditas iacens*), meaning without a owner (*hereditas caduca*).

1.2. Types of heritage

In line with art. 650 Civil Code "the hereditament is naturally considered or by the law, or according to the people's will, by will." Therefore, depending on the source of the

[1] After the Latin substantive *heres,-edis*=heir.

hereditament vocation of the persons acquiring the patrimony of the deceased person, the heritage can be legal or testamentary.[2]

A. The heritage is *legal* when it refers to the order and shares determined by the law, of the persons determined as part of one of the classes of heirs provided by the Civil Code and Law no. 319/1994. Legal heritage occurs only in case and if the deceased person did not established by his will of his patrimony for the cause of death or the will cannot produce its effects in full or in part, or the will comprises other provisions than those related to the transfer of the assets of the deceased person, as, for example, recognition of a child, provisions related to the funerals[3] etc.

The will can also comprise provisions related to elimination of certain relatives from the hereditament. In this case, if the person eliminated is a forced heir, he receives his portion as a legal heir, as the other heirs that benefit of the heritance shall received their share in compliance with the law, therefore, as legal heirs. In other words, the heritage is legal as the assets of the deceased person are transferred in compliance with the law, in the order and quotas determined by the law, the heirs being able to justify their right by invoking the appropriate legal texts. In case of testamentary parental partition *inter vivos* (art. 794-799 Civil Code), the heirs that choose this partition have the right to this heritage in compliance with the law, even if the shares resulting from this partition would not exactly be the same as the shares determined by the law, being however observed the "legitimate share" of each of them (art. 798 Civil Code), meaning the forced heirship.

The persons acquiring the heritage in compliance with the law are the universal heirs, who are entitled on the whole assets of the deceased person, even if, actually there are several heirs, they benefit only of a part of the heritage. The forced heirship is acquired, in all cases, as a universal right. Therefore, there are no legal heirs that are entitled only on certain assets, taken into account separately (*ut singuli*). In other words, there cannot be any legal heirs, particular heirs[4], only universal heirs.

B. The heritage is *testamentary* in case and if the transfer of the estate of the deceased person takes place in compliance with the will of the person leaving the heritage, expressed by a will.

The will is defined by the doctrine, based on the provisions of art. 802 Civil Code as being the unilateral, personal and solemn juridical deed, mainly revocable during the life of the testator, by which he decides in full or in part of his estate for the time when he ceases to exist[5].

---

[2] In literature, it is also called conventional heritage (see M. Eliescu, *Moştenirea şi devoluţiunea ei în dreptul R.S.R.,* Academiei Publishing House, Bucharest, 1966, p. 20; Fr. Deak, *Tratat de drept succesoral*, ACTAMI Publishing House, Bucharest, 1999, p. 7; E. Safta-Romano, *Dreptul la moştenire*, Graphis Publishing House, Iaşi, 1995, p. 36; D. Chirică, *Drept civil. Succesiuni*, Lumina Lex Publishing House, Bucharest, 1996, p. 4-5). It is about assets donation (also called contractual institution) by which one of the contacting parties promises to transfer after its death to the other party (called institute) the entire heritage, a part of it or defined assets. The contract by which this donation is performed must fulfill all the fond and form requirements necessary of the validation of this donation. The future assets donation is revocable in its essence. For the identification of ratio, future assets do not become unavailable for the donor, who can transfer them freely, at his will, both by onerous or gratuitous juridical deeds. A single restriction is imposed under this aspect, namely, not to affect, by the said deeds of transfer, under gratuitous juridical deeds, the legal reserve of the reserved heirs. As the legal provisions which regulate the conventional succession were canceled when the Family Code entered into force in 1954, the validity of such hereditament was questioned.

[3] See also Al. Bacaci, Gh. Comăniţă, *Drept civil. Succesiuni*, ALL BECK Publishing House, Bucharest, 2003, p. 8.

[4] See also Fr. Deak, work quoted, p. 8.

[5] See also C. Stătescu, *Drept civil. Contractul de transport. Drepturile de creaţie intelectuală. Succesiunile*, Didactica şi Pedagogica Publishing House, Bucharest, 1967, p. 155.

The persons established by the testator to have the right on the heritage are called legatees (heirs). The legatee can be universal, therefore, he has the right on the whole assets of the deceased person, universal, with the right to inherit only a part of the assets of the deceased person, particular, with the right to inherit only a part of the singular assets, certainly determined.

1.3 Co-existence of the legal heritage with the testamentary heritage

The two types of heritage, provided by art. 650 Civil Code do not exclude each other, as a matter of fact, legal heritage can co-exist with the testamentary one. Art. 650 Civil Code ("Hereditament is established by the law or by the will of the person") should not be interpreted to mean that the testamentary heritage excludes the legal one. As it is obvious from the provisions of the Civil Code, our system of law admits – and if there are forced heirs, it is even imposed – the co-existence of the legal heritage with the testamentary one. Therefore, the Romanian Civil Code did not kept the principle from the Roman Law of the incompatibility of the two types of heritage (*nemo partim testatus, partim intestestatus decedere potest*), meaning there is no person that can die having in part a will or in part without a will[6].

In case that the testator has only particular legacies, the assets of the deceased person is transferred, in accordance with the law, to legal heirs, only that they shall have the obligation on the particular heirs to execute the legacy, and if the object of the legacy is a real estate right on a determined individual asset, this right shall be obtained directly from the deceased person and therefore, it shall not be passed to the legal heirs (who obtain the rest of the assets of the deceased person).[7]

Chapter 2 Conflictual norms related to the heritage

In compliance with the provisions of art. 66 of Law no. 105/1992, the heritage (hereditament) is subjected to different laws, depending on its object. Therefore:

- ✓ **Related to the movable assets**, regardless of the place it might be, the heritage is governed by the national law (lex patriae) which the deceased person had at the time of death. In this case, the principle "mobilia sequuntur personam" ("the movable assets follow the person, as we can understand, they belong to that person) is applied.
- ✓ **related to the immovable assets**, the heritage is subjected to the law of the place where each immovable asset in the assets of the deceased person is located (lex rei sitae) .

The general notion, which establishes the law applicable to the heritage is the *lex succesionis.*

The solutions consecrated by art. 66 of Law no. 105/1992 are traditionally in the Roman Law.

The hereditament law, in accordance with the provisions of art. 66 are applicable both to the legal hereditament and the testamentary hereditament. Nevertheless, related to the testamentary hereditament, in art. 68 para. 1 it is specified that the testator can transmit as heritage his assets according to other system of law than that indicated in art. 66, without having the right to eliminate its imperative provisions.

[6] See also M. Eliescu, work quoted, I, p. 53; Al. Bacaci, Gh. Comăniță, work quoted, p. 9.
[7] See also L. B. Ciucă, *Coexistența moștenirii legale cu moștenirea testamentară*, in „Convorbiri juridice", no.4, Juridică Universitară Publishing House, 2012.

Analyzing these provisions it is clearly that the application of those provisions, it results that by the application of the law determined by the provisions of art. 68 are supplementary, in addition to the law indicated by the provisions of art. 66. The capacity of the testator to subject the testamentary heritage to other law than the one indicated in art. 66 is limited, as it cannot supersede the imperative provisions of that law.

In compliance with the provisions of art. 68 para.3, the elaboration, change or evocation of the will are considered as valid if the deed observe the form conditions applicable, either on the date when it was drafted, changed or revoked, or at the date of the testator's death, in accordance with one of the following laws:

- ✓ national law of the testator;
- ✓ the law of his domicile;
- ✓ the law of the place where the deed was elaborated, changed or revoked;
- ✓ the law of the building situation subjected to the will;
- ✓ the law of the institution or the office fulfilling the procedure related to the transfer of the inherited assets.

According to the provisions of art. 67 Law no. 105/1992, the law applicable to the heritage, it is particularly established:

a) the moment when the will is read;
b) the persons that are entitled to the heritage;
c) the qualities required to be a heir;
d) the exercise of the possession on the assets left from the defunct;
e) conditions and effects of the hereditament options;
f) extent of the heirs obligations to pay the passive.

2.1 Opening the probate procedure

According to art. 651 Civil Code – the probate procedure is opened by death, the same effect being produced by the court establishment of the death[8]. "By opening the probate, the juridical effect of transfer is produced. It has a special juridical importance as the heirs, regardless of the fact that they are legal or testamentary heirs, cannot have any right on the assets of the deceased person until the probate procedure is not opened by death, as the patrimony of an individual cannot be transferred and obtained at the decease of the owner. As a matter of fact, before opening the probate, we cannot even talk about heirs or assets of the deceased person, the person alive being the owner of his patrimony, and the heirs are to be established only at the date when the probate procedure is opened."[9]

A person is declared dead in court in accordance with the provisions of the national law of the person considered as dead. Therefore, in accordance with provisions of art. 16 of Law no. 105/1992, conditions, effects and cancelation of a decision acknowledging the death taken into account, the absence or disappearance, and the presumption of survival or death are governed by the last national law of the missing person. If this law cannot be identified, the Roman law is applied.

The probate procedure is not opened in the case court establishment of the disappearance, as the person missing is considered to be alive[10].

The law governing the court establishment of the disappearance or death of a person must not be mistaken with the law governing the competence of the court to establish the measure of disappearance or death presumed of the person. Therefore, in accordance with

[8] Decree no. 31/1954 – art. 18.
[9] L. B. Ciucă *Drept civil. Succesiuni*, Universitara Publishing House, Bucharest, 2010, p.32.
[10] Decree no. 31/1954 – art. 19.

dispositions provided in art. 150 pct.3 of Law no. 105/1992, Romanian courts are competent to judge the declaration of the death presumed of a Romanian citizen, even if that person was abroad when the disappearance occurred. Until the provisional measures are taken by the Romanian courts, the provisional measures taken by the foreign court are valid.

According to provisions of art. 149 para. 1 pct. 1 and 8, Romanian courts of law are also competent to establish the declaration of the disappearance or death or a person that is not a Romanian citizen, if he had his last domicile or residence in our country.

The main coordinates under juridical point of view related to the opening of the probate procedure are the date and place where the probate is opened.

The probate law is applied only for the determination of the date when the probate is opened, not also for the place. Therefore, according to provisions of art. 67 para. a) of Law no. 105/1992 – the law applicable to the heritage determines the moment when the heritage is opened.

The determination of the place where the hereditament is opened is important to determine the notary's offices competent to debate the hereditament as a non-contentious procedure, and to determine the courts of law competent to settle the litigations that might appear related to the heritage. The competence of these offices is determined in accordance with the provisions of the forum law.

Therefore, in accordance with the provisions of art. 10 and art. 68 of Law no. 36/1995 related to public notaries and notary's activity, the notary competence is determined as follows:

- ✓ to debate the hereditament as a non-contentious procedure, the competence lies with the public notary of the notary's office located in the territorial circumscription of the court of law where the deceased had his last domicile;
- ✓ for the hereditament of a person that had not his last domicile within the country, the notary's procedure can be fulfilled by the notary public from the territorial circumscription where the deceased had his most important assets, in terms of their value. The notary's competence is therefore established both for Romanian and foreigner citizens, if they had not their domicile within the country, but they left assets in Romania.

Under the situation that between the heirs there are misunderstandings related the heritage, the notary public notes it in a conclusion and in accordance with the provisions of art. 78 of Law no. 36/1995, he suspends the debates of the probate, prompting the parties to settle their litigation into the courts of law.

For a person to be able to inherit, the Romanian Civil Code provides in art. 654 – 658 two conditions:

a) to have the right to be a heir;
b) not to be unfit to be a heir.

To these two conditions, the juridical literature adds a third condition[11] :

c) vocation (calling) to inheritance.

The right to be a heir presupposes the existence of the rightfully title at the moment when the probate is opened. In accordance with the provisions art. 654 Civil Code, the child conceived is considered as existing; the child still born is considered as not existing.

The probate capacity is subjected to the hereditament law and not to the personal law governing the capacity of the individual, as it is not an issue related to the capacity of exercise.

[11] M. Eliescu, work quoted, p. 65, C. Statescu, C. Barsan, work quoted p.112.

The individual law is applied for the legal presumption of the child conception, to establish when it was conceived as compared to the moment when the probate is opened.

In line with those indicated above, art. 67, para. b and c of Law no. 105/1992 provide that the probate law establishes the persons with the vocation to inherit, and the qualities required to inherit.

The probate law is applied for the comorientes (co-deceased) too, as it is important of the probate capacity. The probate unfitness is governed by the probate law.

The probate law governess:

- ✓ the cases when there is a probate unfitness;
- ✓ situations when the probate unfitness rightfully operates or by virtue of a law resolution;
- ✓ the effects of the probate unfitness – related to the relations between the person that is unfit and the other heirs or between the person that is unfit and his descendants.

According to the provisions of the Romanian civil law, the unfitness cases are: an attempt to take the life of the deceased, capital calumnious accusation addressed to the deceased person, failure to denounce the homicide[12].

The probate vocation is also governed by the probate law[13], as it establishes if a person has the right over the heritage, or by the virtue of the law (legal probate vocation) or by the virtue of the will left by the deceased person (testamentary probate vocation).

2.2 Legal testamentary disposition of the inheritance

The testamentary disposition of the inheritance means to determine the persons having the right to inherit the assets of an individual deceased. The testamentary disposition is legal (in case that the transfer of the probate assets is done in line with the law) or testamentary (in case that the transfer of the probate assets is done based on the will of the person leaving the heritage, expressed by his will).

Related to the legal disposition of the heritage, the probate law regulates the following issues:

- ✓ the persons called to the heritage and the order to call them;
- ✓ the date when the probate is opened;
- ✓ the legal requirements to inherit;
- ✓ probate representation (persons benefiting of representation, conditions and effects of such representation);
- ✓ determination of the probate share, of the probate reserve and of the available quota;
- ✓ probate rights of the surviving husband.

The probate law does not regulate certain issues, even if they are connected to the probate vocation, other laws being applicable, for example:

- ✓ application of the personal law, to determine the filiations by marriage or outside the marriage, in order to establish the order to calling to the heritage;
- ✓ application of the marriage effects, for the settlement of the issues related to: the quality of a husband, determination of the joint assets of the husbands and the assets of the deceased person, determination of the probate quota from the joint assets of the husbands.

The probate law is not applied if it is against the public order in the private international law.

[12] Civil Code, art. 655.
[13] Law no.105/1992 – art. 67 para.b.

2.4 Testamentary disposition of the inheritance

According to Roman jurisprudence[14], the transfer of the heritage is a unified transfer, meaning that the transfer of the entire assets of the deceased person is done according to the same legal norms, regardless of their type and/or provenience or the origins of the goods compounding it[15].

The regulation comprised in Law no.105/1992 (art.66) is a exception from the principle of the unified character of the inheritance transfer, meaning that for the movable assets *lex patriae* is applied, while for the transfer of goods *lex rei sitae* is applied.[16]

The unified principle of the probate transfer can be restate by the will of the deceased person determined by his will, which "is a solemn deed – a deed that imposes *ad validitatem* the fulfillment of certain form conditions.

Having in mind the importance and the severity of the effects that produce testamentary provisions and in order to protect, as much as possible, the will of the testator against certain influences and pressures, and in order not to leave any possibility of doubt on the existence and sense of the will expression, the law provides *ad solemnitatem* – under the sanction of nullity – certain testamentary forms which must express the will of the testator in order to bear judicial effects."[17]

Therefore, according to the provisions of art.68 of Law no.105/1992, the testator can subject the transfer by heritage of his assets by other laws than those indicated in art. 66, without having the right to cancel its imperative provisions.

The probate law chosen by the deceased person by his will (which can be one of the two provided in art. 66, e.g. *lex patriae*) can govern not only the testamentary heritage, but the legal heritage, when the testator does not decide (in full or in part) of the assets of the heritage, in his will providing only the probate law chosen and eventually other clauses, without any influence of the heritage transfer[18].

The law chosen by the testator shall be also applicable as probate law having the scope provided in art. 67 of Law no.105/1992.

In order to be valid, the will must fulfill certain fond and form conditions.

1) The form conditions of the will are: capacity, agreement, object and cause.

The capacity of an individual to dispose by will is governed by his national law, being about the capacity of exercise.

If when the will is drafted, the author was a citizen of a certain country, and at the date of his death he was the citizen of another country, the national law is determined in accordance with the settlement regulations related to the mobile conflict of laws.

The special incapacities to dispose by will are governed in terms of private international law by the personal law, however, if they relate to the probate procedure, the probate law can be also applied[19].

The special use incapacities to receive by legate also concern the hereditament, as they are subjected to the probate law.

The capacity of the legal entity to acquire by legate is governed by its national law.

a) The content is subjected to the probate law.

The probate law governs:

[14] Fr. Deak , *Mostenirea legala*, Actami Publishing House, Bucharest, 1996, p.14.
[15] M.Eliescu , work quoted, p.51.
[16] L. B.Ciucă, *Despre moştenire,* in „Convorbiri Juridice", no.5, Juridică Universitară Publishing House, p.10.
[17] L. B. Ciucă, *Drept civil. Succesiuni*, Universitara Publishing House, Bucharest, 2010, p. 208.
[18] Fr. Deak, work quoted, p.20.
[19] I.P. Filipescu, *Drept international privat*, Ed. Actami, Bucharest, 1999, p. 465.

- the content flaws;
- modalities for the testator to express his will;

b) The object of the will is also governed by the probate law.

The same law regulates:

- the legate validity conditions;
- reserve and quota available;
- establishment and powers of the executor of the will;
- causes related to the inefficiency of the legates (lapse, revocation or nullity);
- interpretation of the testamentary clauses;

c) The cause is subjected to the probate law.

2) For the form conditions of the will, the provisions contained in art. 68 para. 3 of Law no. 105/1992 are applicable.

These provisions are in compliance with the provisions provided by art. 885 Civil Code[20] which express the principle of the most favorable law[21].

According to the provisions of art. 68 of Law no. 105/1992, the will is still valid if it fulfils the conditions of form provided by one of the following laws:

- The national law of the testator (*lex patriae*);
- Law of his domicile (*lex domicilii*);
- The law of the place where the will was drafted, changed or revoked (*locus regit actum*);
- The law of the place where the building subjected to the will is located (*lex rei sitae*);
- The law of the court or the office fulfilling the probate procedure (*lex fori or auctor regit actum*).

The will is valid if it fulfils the form condition provided by any of these laws, applicable either with the date when the will was drafted, changed or revoked, or at the date when the testator deceased and by these provisions, art.68 para. 3 settle any eventual mobile conflict of laws.

Rights of the state on the dormant estate

By including this right in the probate law, it is indicated that the right of the State on the dormant estate is qualified, in all cases, as the hereditament. Corroborating the provisions of art. 67 para. g) with those of art. 66, the solution indicated by the private international law depending on the type of assets subjected to the dormant estate, meaning: if the asset is a movable asset, the national law of the deceased person from the date of decease is applied, and if it is immovable, the law of the place where the asset is located. Therefore, these are the laws that shall indicate the base solution.

If the applicable law, according to the distinctions mentioned above, is the Romanian one, the issue resulting is which base solution Romanian law applies. This solution depends on the juridical type conferred to the right of the state on the dormant estate, which is a matter of civil law, on which there are controversies in the specialized literature.

The issue is however of particular importance on the private international law because, as we indicated in the specialized literature of civil law, the practical interest to determine the juridical nature of the right of the state on the dormant estate exist only with the relations with foreigner elements. Therefore, it is about the hypothesis that either a Romanian citizen dies

[20] Civil Code – art. 885 has the following content: "The Romanian being in a foreign country shall be able to make his will in oleograph form or in authentic form employed in the place where the will is done".
[21] D.Al.Sitaru, *Drept international privat – Tratat*, Lumina Lex Publishing House, Bucharest, 2000, p. 205.

without heirs and leaves his movable assets aboard, or a foreigner citizen dies without heirs, leaving his movable goods in Romania.

Under such hypothesis, if the solution of the heir state can be adopted, the movable assets shall be collected by the state whose citizen the deceased person was at the time of death, and if the theory of the *de desherenta* right of the state is adopted (which collects the assets the meaning of its sovereign right – *de jure imperii*), they shall be owned by the state where they are located.

For the movable assets, we consider, as many of the theoreticians in the juridical literature of civil right, according to which the state collects the dormant real estate probate based on a hereditament right (*de jure hereditatis*). Consequently, if the Romanian law is *lex causae*, the dormant real estate probate shall be collected by the state which citizen was *de cujus*, at the date of his death.

In exchange, the dormant real estate probate belongs to the state where each of the respective buildings are located, the right of the state being qualified this time as the original right to appropriate the assets that have no owner on its territory (*de desherenta* right), within the meaning of its sovereign right (*de jure imperii*).

Although art. 67 of Law no.105/1992 does not expressly provide, we consider that the juridical relation of the heredity petition (characteristics, effects, prescription term etc.) is subjected to the probate law.

In exchange, in the division of the heritage, which, also art. 67 does not mention as being the scope of the probate law, is mainly subjected to the law of the place where the assets to be divided is located, being strongly connected to their relation. Determining the persons that can ask for the division is indicated however by the probate law. The procedural forms of the division observe the law of the forum.

Conclusions

The issue of the private international law juridical relations was controversial until the implementation of Law no. 105/1992 on the regulation of the private international law relations.

According to those laws, the heritage is subjected to certain different laws, depending on its object:

- ✓ The heritage is subjected to the national law which the person had at the date of death, if it is about movable assets;
- ✓ Related to the immovable assets and the goodwill, the legacy is subjected to the law of the place where each of these assets is located.

This system which divides the patrimony in two different charts is theoretically criticized. As the probate is presented as a universal issue, we propose as *de lege ferenda*, that would be practically to apply one single law, that of the country to which the deceased citizen belongs by citizenship. However, this system has advantages, even today, although it does not take into account the unity of the patrimony as the interests of the state on which territory the buildings of the probate are to be found are taken into account.

Bibliography

1. Alexandresco D., *Principiile dreptului civil român*, vol. II, Bucharest, 1926.

2. Antonescu M. V., *Regimul juridic al străinilor în România*, All Beck Publishing House, Bucharest, 2001.

3. Bacaci, Gh. Comăniţă, *Drept civil. Succesiunile*, All Beck Publishing House, Bucharest, 2003.

4. Chirică D., *Drept civil. Succesiuni*, Lumina Lex Publishing House, Bucharest, 1996.

5. Ciucă, L. B., *Drept civil. Succesiuni,* Universitar Publishing House, Bucharest, 2010.

6. Costin M. N., Costin M.C., *Dicţionar de drept civil*, vol. I., Lumina Lex Publishing House, Bucharest, 2000.

7. Deak Fr., *Tratat de drept succesoral*, ACTAMI Publishing House, Bucharest, 1999.

8. Deak Fr., *Moştenirea legală*, ACTAMI Publishing House, Bucharest, 1994.

9. Eliescu M., *Moştenirea şi devoluţiunea ei în dreptul R.S.R.*, Academiei Publishing House, Bucharest, 1966.

10. Filipescu I. P., *Drept internaţional privat*, ACTAMI Publishing House, Bucharest, 1997.

11. Filipescu I. P., Filipescu A., *Drept internaţional privat*, ACTAMI Publishing House, Bucharest, 2002.

12. Hamangiu C., *Codul civil adnotat,* vol. I, Bucharest, 1925.

13. Jacotă M., *Drept internaţional privat,* Didactică şi Pedagogică Publishing House, Bucharest, 1976.

14. Macovei D., *Drept civil. Succesiuni,* Chemarea Publishing House, Iaşi, 1993.

15. Mureşan M., Boar A. , *Drept civil. Persoanele,*Cordial Lex Publishing House, Cluj-Napoca, 2000.