LAW No. 03/L-007

ON OUT CONTENTIOUS PROCEDURE

Assembly of Republic of Kosovo,

Based on Article 65, point (1) of the Constitution of Republic of Kosovo,

With aim to create legal provisions which are determined orders according to which acts and judge courts for property, family and personal interests and rights, which are solved, in out contentious procedure, as well as;

With the aim for building up a legal system for resolving of legal matters in non-contested civil procedure consistency to the international standards.

Approves:

LAW ON OUT CONTENTIO US PROCEDURE

FIRST PART

CHAPTER I

GENERAL PROVISIONS

Law content
Article 1

1.1 By this law are determined orders according to which acts and judge courts for property, family and personal interests and other rights and juridical interests, which are solved, in out contentious procedure.

1.2 Provisions of this law are implemented and in other juridical matters for which is not foreseen by law to be solved according to contentious procedure rules.

Implementation of common provisions in particular procedures
Article 2

General provisions of this law are implemented in particular out contentious procedures regulated by this law if it is not foreseen differently, also and in other out contentious matters for which are not appointed procedure regulations by particular law.

Appropriate implementation of law on contestable procedure
Article 3

In out contentious procedure is implemented appropriately provisions of law for out contentious procedure, if it is by this law not foreseen differently.

Beginning of out contentious procedure
Article 4

4.1 Out contentious procedure is initiated by natural person or juridical person's proposal, or by proposal of national body determined by this law or with other law.

4.2 Out contentious procedure initiates the court according to official obligation only in cases and under requirements appointed by this law or with any other law.

4.3 If the procedure is not initiated from the body which is authorized to initiate that, court immediately will inform such an body that the procedure has initiated by the other subject proposal.

a) in such case the court appoints the deadline to competent body for presenting the participation in begun procedure.

b) till the expiry of deadline the court will stop acting, if such a thing is necessary for protection of participators interests in procedure or of public interest.

c) custody body can use the right of participating in the procedure initiated from the other subject also after deadline of paragraph 3 of this law.

Participators in procedure
Article 5

5.1 Participator in out contentious procedure is called the subject which begun the procedure, subject for interests and subjective rights of which is investigated and judged in procedure also the national body which participates in procedure according to legal authorization.

5.2 National body has the participator quality in procedure and when it has initiated the other authorized person, whereas after an body has been informed from the court decides to participate on it.

5.3 Quality of participator in procedure, with the acting right in concrete juridical matter, the court can accept and to and common forms which doesn't have the status of juridical person, if they fulfill conditions foreseen by the law for contestable procedure and if the matter which is judgment object belongs to them directly.

5.4 In the meaning of this proposal law is called the person, respectively body with a proposal of whose is initiated procedure. Opponent of the proposer is called the person to who is realized subjective right or juridical interest of the proposer.

Persons who caress special protection
Article 6

6.1 In out contentious procedure the court according to official obligation undertakes measures for protection of subjective rights and juridical interests of the minors which are not under care of the parents and for the protection of the other persons who don't have the possibility to care themselves for protection of self interests and rights.

6.2 In cases in which in out contentious procedure are investigated and solved the matters of the persons under special protection, the court will inform custody body for begun procedure, will call it for participating in judgment session and will send them presentations of participators in procedure and given decisions against which is allowed strike means. Court acts in this manner in the case when custody body didn't initiate procedure and didn't present participation on it after getting the news from the court for procedure initiating from another person.

Authorization of custody Body
Article 7

Custody Body, in out contentious procedure which does not have right to initiate, can commit all procedural acts with the aim to protect the juridical interests and rights of the minors and the persons under special protection, and especially to present relevant facts which didn't present procedure participators, to propose taking of proofs and to use decision strike means.

Committing of acts without procedure competence
Article 8

Court can permit that the participator in procedure even when doesn't have the competence to act, to commit procedural acts with the aim of realization of the rights and interests which belongs to, if it is in condition to understand the meaning and the consequences of such actions.

Availability acting in family and personal matters
Article 9

9.1 In out contentious juridical matters that have to do with personal or family position at participators in procedure, but and in the other out contentious matters that deal with the juridical rights and interests that participator does not posses in procedure before the court, participator can not give up from the request, can not affirm request of the opponent and can not make judicial accord with opponent party.

9.2 In procedure from paragraph 1 of this article court according to official obligation has right to confirm relevant facts that did not present participators of procedure and to ascertain such facts, which are not contestable between them.

Publicity principle
Article 10

10.1 Out contentious procedure is public.

10.2 In the procedure in which it is decided regarding personal position or family position publicity is excluded, exception has the procedure of announcing disappearance or a death of a natural person.

Judgment for the matter out session
Article 11

11.1 Court judges for participators requests according to investigation in the session only in cases when this is appointed by law, or when estimates that session keeping is necessary for clarification or ascertaining the decisive facts, or when thinks that for another reason keeping the session is reasonable.

11.2 Not coming one of participators in the session doesn't impede the court to continue the procedure, if it is not appointed differently in cases appointed by law.

11.3 Interviewing the participators in procedure can be done in absence of other participators if it is not appointed differently by law.

Proposal withdrawing
Article 12

12.1 Proposal with which is initiated the procedure can be withdrawn until it is given first step judgment for solving the matter.

12.2 Presented proposal from some persons it is withdrawn with their common declaration, if law does not appoint it differently.

12.3 It is considerate that the proposer has withdrawn the proposal if he doesn't come in the first session for which is invited in a regular manner. This regulation is not valid if exists known reasons that has impeded proposer to come on the session.

12.4 Reasonable reasons of participator absence court can take in consideration and without other procedure participators declarations till them is not delivered act decision for withdrawing a proposal.

Proposal withdraw after delivering the judgment gift
Article 13

13.1 Proposal with which is initiated out contentious procedure can be withdrawn from its submitter and after it is given first step judgment till it not ends with final judgment.

13.2 Proposal withdraw in case from paragraph 1 of this article can be done only if will not be infringed the rights of other participators with which is related judgment of first step, respectively only if they give accord for withdrawing a proposal in the procedure mentioned phase.

13.3 If the proposal, with which is initiated procedure, is withdrawn after it is given first step judgment, the court of first step will brake such judgment and will finish the procedure.

Territorial competence
Article 14

14.1 In the procedure in which it is decided for family and personal positions of territorial competence is court in the territory of which has the person dwelling in which interest is developed procedure. When such a person has not a dwelling than of territorial competence is the court in which territory has he a dwelling, if it is not foreseen differently by law.

14.2 In other out contentious matters of territorial competence for judgment is the court in territory, which the proposer has a dwelling or a temporary dwelling, respectively residence, if it is not foreseen differently by law.

14.3 When in out contentious procedure is decided related to the real assets, of exclusive territorial competence is the court in whish territory is dwelled real asset. If the real asset is laid in the territory of some courts, than competent is each of the court. In this case the court, which begins procedure developing, cannot be announced later incompetent.

Announcement of territorial incompetence
Article 15

15.1 In out contentious procedure court according to official obligation can be announced territorially incompetent not later than in the first session, and if the first session is not maintained till the accomplishment moment of first procedural act which according to court summons has accomplished participator in procedure.

15.2 If during the developing of the procedure circumstances changes on which court competence is relied, than the court which is developing procedure can send the matter to the court which according to changed circumstances belongs now to territorial competence, if it can be seen clear that in front of this court procedure will be developed easily, or when this is in the interest of a person under special protection.

15.3 When the matter must be delivered to the other court in interest of the person under special protection, the court, which has begun the procedure before sending the matter, will call curator ship body that inside the determined deadline to give its opinion for remitter justifiability. If curator ship body inside the determined deadline not evokes to the court its opinion, the court will act according to the act circumstances, taking care for an interest of under special protection.

Case when the matter has to be judged in out contentious procedure
Article 16

16.1 If the court during out contentious procedure developing ascertains that the procedure has to be developed according to out contentious procedure rules it must decide suspension of the procedure according to judgment.

16.2 When the judgment from paragraph 1 of this article is final judgment further procedure continues developing according to out contentious procedure rules in competent court.

Judgments form
Article 17

17.1 In out contentious procedure decisions are given in form of judgment

17.2 Judgment against which procedure participator can do special complaint and first step court judgment must have explanation.

Deadline for complaint
Article 18

Against first step judgment complaint can be done within the deadline of 15 days from the day of delivered act judgment, if law does not foresee it differently.

Complaint suspension
Article 19

19.1 Deadline to present a complaint and presented complaint impedes judgment in getting final judgment and its enforceability.

19.2 When exists important reasons court of the first step can decide that the complain not impede distrainment of judgment stroked with complaint.

19.3 In case from paragraph 2 of this article , when it is a need to protect the rights and interests of the minors and of the other persons under special protection , court according to official obligation whereas when are in question this second only according to their proposal , can appoint the guarantee to be deposited in cash money. When concrete case circumstances request to be given a guarantee can be determine other form.

Breaking or modification of the judgment from the court that has gave it
Article 20

20.1 Court of the first step related with presented complaint in time can change or break the judgment stroke by new judgment. Court can do this only if the complaint is basic and only when with such thing are not infringed other participators rights abided in stroke judgment.

20.2 If the court of the first step doesn't change or break its stroke judgment by complaint, than the complaint together with matter file sends to the second step court for deciding without taking in mind if it is done the complaint within the law deadline or after it.

20.3 The court of the second step can decide and for the complaint presented late and to approve it, if with such a thing are not infringed the rights of other participators in procedure based in stroke judgment.

Solution of preliminary matter
Article 21

21.1 When giving of the first step judgment depends from the solution of preliminary matter (prejudicial matter) that has to do with the existing of any right or juridical relationship, for which still didn't decide the court or the other competent body, matters court has power to decide itself for such matter, if it is not foreseen differently by law.

21.2 Matters court judgment for preliminary matter has a juridical effect only in out contentious procedure in which is solved this matter.

Litigious facts related to preliminary matter
Article 22

22.1 If between out contentious procedure participators are litigious facts related with the solution of preliminary matter, the court will instruct that inside determined deadline to initiate contentious process or process in front of administrative body with the aim of solving the right or contestable relation.

22.2 The court will instruct to make a law-suit in out contentious procedure, respectively to initiate the procedure in front of administrative competent body or of participations the right of which considerate less believed, if it is not foreseen differently by law.

Initiation in time of the procedure for preliminary matter solution
Article 23

23.1 If the out contentious procedure participator instructed for initiation of out contentious procedure , respectively of administrative procedure inside the determined deadline which can not be longer than thirty (30) days , initiate that , than the court will stop the procedure till it is done the final judgment given for preliminary matter in contentious procedure, respectively administrative.

23.2 Contentious procedure, respectively administrative with the aim of solving preliminary matter can initiate and the out contentious procedure participator which the court didn't instruct for such a thing.

23.3 If none of participators in out contentious procedure not initiate contentious procedure or administrative till the end of out contentious procedure, the court will end the procedure without taking in mind requests related to which out contentious procedure participator is instructed to initiate contentious procedure, respectively administrative.

Judgments juridical consequences
Article 24

24.1 If with the judgment of out contentious court it is changed the personal or family position of participator in procedure or are changed the rights and his obligations, judgments juridical consequences will show in the moment when it belongs to final judgment.

24.2 Court can decide that judgments juridical consequences shows before it becomes of final judgment, if it is necessary for protecting the minors or others persons under special protection.

Delivering judgment to the competent administrative body
Article 25

The final judgment with which it is changed personal or family position of the participator in out contentious procedure, court without delay delivers to competent administrative body for maintaining register of births for this participator.

Effect of final judgment
Article 26

Final judgment given in contentious procedure is not impede for participator that his request for which it is decided with a such judgment to realize in contentious procedure or in process in front of administrative body , when this possibility is known by law..

Judgment strike with revision
Article 27

27.1 In contentious procedure in which it is decided for dwelling matters and related with compensation for expropriated real asset, can be use revision against second step judgment which has taken final form.

27.2 In mentioned juridical matters in paragraph 1 of this article revision is permitted under determined conditions with law for contentious procedure, if it is not foreseen differently by law.

Recidivistic procedure
Article 28

28.1 Against merited final judgment can not be presented proposal for recidivating the procedure if the participators of out contentious procedure with this law or with other law has been known the right that his request for which is decided with judgment to realize in contestable procedure or in process in front of administrative body.

28.2 If exists the conditions from article 20 of this law, the court will act according to proposal for recidivating the procedure as if it was the case for presented complaint after the legal deadline for complaint.

28.3 If the second step court ascertain that are not fulfilled foreseen conditions in article 20 of this law, than it will send back the matter to the first step matter for further acting according to proposal for recidivistic procedure.

Procedure expenses
Article 29

29.1 In the procedure in which is decided for the matters that have to do with personal or family position of the participator, for procedure expenses court decides according to free valuation taking in mind cases circumstances and the procedure result.

29.2 As for procedure expenses that are caused with curator body participation, are implemented regulations of law for contentious procedure.

29.3 In out contentious matters that have to do with the assets rights of the participators, procedural expenses are left in loading in equal parts. But if exists important differences of parts that belongs to participators in the assets right which is location object, than the court depend on the size of parts on it will determine expenses parts which will be left in loading on each of them.

29.4 In juridical matters from paragraph 1 of this law court can decide that all the procedural expenses to take the participator in which interest is developed out contentious procedure, respectively participator which exclusively with his behavior has gave a reason a procedure initiation.

Regulations implementation of this part of law
Article 30

According to general regulations of this part of law, it is acting in all matters which are not regulated with special regulations of out contentious procedures included by this law. This general regulations are implemented and in out contentious matters for which are not foreseen at all with law regulations for procedure acts.

SECOND PART
REGULARIZATION OF PERSONAL AND FAMILY POSITION

CHAPTER II
I. Regularization of personal position

1. Abolition and remittal of ability to act

Article 31

31.1 In the procedure of ability remitting to act court ascertains that it is the person of adult age, because of full inability or partly inability to judge, in condition to take care of his interest and rights and in accordance with this or partly takes the ability to judge.

31.2 In the procedure of remitting the ability to act the court fully or partly gives back to the adult person ability to act if it ascertains that are felt reasons that have influenced fully or partly.

31.3 Procedure from paragraph 1 of this article has to and as soon as possible and not later than 90 days, whereas procedure from paragraph 2 of this article must end inside the deadline of 30 days from the day in which has arrived in court proposal for remitting the ability for acting.

Article 32

Procedure for abolition and remitting the ability for acting begins according to proposal of:

a) custody body;

b) husband or wife, children and parents of the person at which are created legal conditions, for abolition respectively remitting the ability to act;

c) grandparents, brothers, sisters, nephew and other persons of this persons live in the same family community with the persons for which is proposed abolition, respectively remitter of the ability to act;

d) another person foreseen by the law;

e) court;

f) health bodyization for curing mental sicknesses at which is person which has to abolished or remitted ability to act.

g) procedure for abolition and remitting the ability for acting begins also with the proposal of the person whose abolished the ability to act.

Article 33

For procedure developing according to authorized subject proposal is competent municipality court in which's territory has a dwelling or temporarily dwelling of a person whose will be abolished or remitted ability to act.

Article 34

34.1 Proposal with which is initiated procedure should include facts in which can be rely, and probative means with which this facts are proved or will become believable.

34.2 When the procedure is not initiated according to official obligation or in base of curator ship body proposal or health institution proposal, proposal has to content also data from which results authorization for initiating the procedure.

Article 35

If the person who will be taken or remitted ability to act is the owner of real assets, court without delay, with the aim of noting the initiated procedure, will inform competent body for evidencing real assets.

Article 36

For initiated procedure court informs municipality competent service for births registers maintains works in which is registered person which is it taken or remitted ability to act, with the aim of evidencing initiated procedure.

Article 37

37.1 In this procedure the court decides after assessment of proofs in court hearing.

37.2 In all sessions for proposal investigation is summoned proposer, curator of the person, to whom is taken or remitted ability, respectively temporary representative custody.

37.3 Judicial session will be summoned in for the person to whom is taken the ability for acting, except when he according to court estimation is not in condition to understand importance and juridical consequences of his participations or nonparticipation in session.

Article 38

38.1 For acting ability abolition or remitter court decides according verified facts in court hearing.

38.2 If the person whom is taken, respectively remitted ability to act is settled in the institution in which pursues health activity, court can maintain court hearing in such institution and to listen such person

38.3 Court will estimate that if will question person to whom is developed procedure in presence of doctor which supervise his health condition while he is in health institution.

38.4 Court can quitclaim from listening the person to whom is developing the procedure only if such a thing is not possible at all taking in consideration health condition of this person, while before is assured doctors opinion which does his health supervise .

Article 39

Court has for obligation to listen curator, respectively temporary representative, proposer and other persons that can give notification for person's life and behavior to whom is being developed the procedure.

Article 40

40.1 Person to whom is being developed the procedure must be controlled by three medical experts of appropriate specialization who will give written ascertainment and opinion for psychic condition and ability of this person to judge.

40.2 Surveying is done in a presence of a judge, except when it is done in the health institution. In second case surveying must be commit within the deadline which court determine and which can not be longer than 7 days.

Article 41

41.1 If for ascertaining the health condition and ability of person to judge to whom is developed the procedure , according to expert opinion of medical profession , is necessary to be settled in health institution court can give judgment with which can determine that he temporarily but not more than 3 months to be settled in such institution.

41.2 If the health institution from paragraph 1 if this article is out matters court territory, than this court will commit necessary acting through competent court in territory of which is such institution.

41.3 Against judgment from paragraph 1 of this law is permitted complaint, The complaint does not impede distrainment of stroke judgment. Complaint can present person to whom is developed the procedure, curator and temporary representative of such person.

41.4 Complaint is presented within the deadline of 3 days from the day of judgment surrender. Complaint together with matter file, court will send immediately to second step court, which has to decide within the deadline of 3 days from the day that has obtained complaint.

Article 42

42.1 When it confirms that there are reasons for abolition of ability to act, the court will abolish ability to act fully or partly to the person to whom is developed the procedure.

42.2 In judgment with which to person will be abolished ability to act, court according to medical expertise result can determine concrete juridical acts that this person can commit in independent manner.

42.3 Against judgment for ability abolition to act the person to whom is developed the procedure can present complaint.

Article 43

43.1 Court can delay a judgment for abolition from paragraph 1 of this article if the person to whom is developed the procedure will restrain from misuse of alcohol or other toxic means if it can be excepted with the reason that the person to whom is developed procedure will restrain from misusing alcohol and other toxic means.

43.2 Court will delay judgment from paragraph 1 of this article if the person to whom is developed the procedure with his initiative or by court proposal will inpatient to the health institution cure. Judgment announcement from paragraph 1 and 2 of this article is delayed for time of six to twelve months.

43.3 Judgment for delaying will be revoked if the person to whom is developed the procedure continues to misuse alcohol or other toxic means within the time for which is delayed merit judgment.

Article 44

When the reasons rest existing for which to one person has been abolished ability to act, court according to official obligation or according to authorized persons proposal from article 32 of this law, will develop procedure and dependent on its result will give a judgment with which to such person fully or partly will be remitted ability to act.

Article 45

In the procedure for remitting the ability to act are implemented appropriately provisions of this chapter according to which is done act ability remitting.

Article 46

Against judgment with which is abolished or remitted ability to act the right of complaint have persons that have participated in procedure within the deadline of three days from the day in which has been surrendered the judgment.

Article 47

Final judgment for abolition or remitting of ability to act court will send to municipality competent service for maintaining the birth register also to competent body for maintaining register of real assets.

Article 48

Procedural expenses of abolition or remitter of ability to act will be charged to proposer that has initiated the procedure.

2. Announcement of disappearance or death of a person and death approve

a) Announcement of a person's disappearance
Article 49

49.1 The person which absence from the place of dwelling or from the last dwelling and for which are no information for more than two years, with the request of each physic or juridical person that for a such a thing it is a juridical interest, can be announced disappeared by competent court judgment.

49.2 When the day of last information can not be determined, deadline from paragraph 1 of this article begins from first day of following month in which are taken last information .When the month can not be determined the deadline begins from 1 January of following year.

Article 50

50.1 For a person disappearance announcement is competent communal court in which territory has he had last dwelling, and if he did not have a dwelling, than the court in which territory he had last station.

50.2 Procedure develops and merit judgment announces only one judge.

Article 51

51.1 Proposal for one person disappearance announcement has to contain specially:

a) court's name;

b) person's name and surname which is proposed to be announced disappeared;

c) day of birth and dwelling, respectively last station of this person;

d) facts in which is relayed proposal;

e) proofs with which are ascertained this facts;

f) proposer juridical interest for proposal presentation;

g) proposer name and surname and his address.

51.2 Together with the proposal is presented certificate from births register and personal number for person with which has to do proposal.

Article 52

52.1 After getting proposal from paragraph 1 of article 51 of this law court in appropriate manner verifies are fulfilled basic preconditions for procedure initiating.

52.2 When it is a need the court listen the proposer and witnesses, collects required data and requests from custody body that the person that procedure has to do with to get a nominate curator .

52.3 If the court ascertains that there are not fulfilled conditions for procedure initiating, then the court with judgment throws out the proposal.

Article 53

53.1 If the court estimates that are fulfilled conditions for procedure initiating, edits announcement "Kosovo Official Newspaper" with which ascertains that the procedure has initiated.

53.2 In announcement for procedure initiate for announcing person's disappearance from the proposal are shown essential circumstances above which is relayed proposal, it is done invitation for him to appear, whereas other persons, which have information for him are invited to submit to the court information within the three months deadline from the day of announcement.

53.3 Announcement is published and in court notice board , and will be published in usually manner in the place in which person from the proposal had dwelling respectively last station.

Article 54

5.4.1 After the deadline in published announcement, court will listen person's curator from the proposal, and according a need and the proposer, and after getting other proofs decides meritoriously for the proposal.

54.2 If the court ascertains that are not fulfilled conditions that the person from the proposal to be published disappeared, announce the judgment with which is refused proposal as baseless.

Article 55

Against announced judgment from the first step court complaint can present proposer and curator of disappeared person.

Article 56

56.1 With announcement of person's disappearance from the proposal for administration of his property is determined curator.

56.2 Court judgment by which one person is published disappeared is edited in official newspaper or at least in one daily newspaper determined from the court also in court notice board .

Article 57

Courts judgment which declares one person disappeared it is sent for registration to the civil state office in which he has been registered, after getting sure that has been done publication according to provision of article 56 of this law , and that the judgment has been done of final form .

Article 58

58.1 If the person that is announced disappeared appears in the court with the request to repeal judgment, the court breaks such a judgment after verifying his identity.

58.2 Judgment from paragraph 1 of this article is published in the same manner as with it with which is announced person's disappearance from proposal.

b) Announcement of a person's death

Article 59

59.1 Person that has been announced disappeared by court judgment, with the request of every interested person can be announced dead by court judgment , when it has past three years without having information from the day that has been announced disappeared .

59.2 By court judgment can be announced dead and the person :

a) for whose life during the last five years has not been any information , whereas from his birth date has past 65 years ;

b) for whose life during the last five years has not been any information ,whereas circumstances in which he disappeared make to be believe that he is not live anymore;

c) that has lost during the war related with a military acts and this is confirmed by competent military bodys , for whose life has not been any information for one year from the day that has accessed to power peace treaty , or two years from the end of military acts;

d) that has lost in a traffic accident , fire overthrow, earthquake or in any other risk direct for live , whereas for his live has not been any information for six months from the of risk abolition.

Article 60

Deadlines from points a) and b) of article 59 are calculated from the day when according to last information lost person without doubt has been life , and if this date can not be ascertained , this deadlines are calculated by the end of month , respectively of year , in which lost person according to last news has been live.

Article 61

Proposal for announcement f ones persons death can present every person which for this has direct juridical interest, also the curator body.

Article 62

Proposal for announcement of ones person death has to contain especially:

a) name of the court to whom is presented,

b) name and surname of the person that has to be announcement death,

c) date of birth and dwelling or last station,

d) circumstances through which becomes believed his death,

e) proofs with which has to be ascertained this circumstances,

f) name and surname of a curator or his legal representative , for cases where are such.

g) and the name and surname of persons that can be inheritors.

Article 63

Related to announcement, court hearings, and proper deadlines in the procedure of appropriate announcement of one person's death, are implemented provisions for procedure of one person's disappearance announcement.

Article 64

If it is ascertained that is fulfilled any of conditions from article 59 of this law and that the results of entire procedure put in vision in a secure manner that disappeared person is not live , court will bring a judgment with which this person will be announced dead.

Article 65

65.1 In the judgment with which is announced death of a person will be told name and surname, dwelling or his last station, name and surname of his parents, day, month, and place of birth, than to be ascertained day, month and year, and within the possibility and the clock time which is considerate as a time of a death of disappeared person.

65.2 As a time of death will be considerate day for which by proofs is ascertained that disappeared person has died , respectively the day in which disappeared person for sure has not been live .

65.3 If it can not be ascertained this day, it is considerate that death has happen on the first day after mentioned deadlines in article 59 of this law.

Article 66

Final judgment about the disappeared persons death will be send to civil state service for registration in register book, , to the competent court for developing inheritance procedure , to the curator body and to the body that maintains book of real assets , if the person that has been announced dead has had real assets .

Article 67

67.1 If the person who is announced dead appears personally to the court that has given the merit judgment, the court, after ascertain his identity, without a further procedure, it cancels such judgment by an special act-judgment.

67.2 Against the act-judgment of the paragraph 1 of this article can present a complaint the subjects that participated in the procedure in which is given the judgment on the announcement of death of the disappeared person.

Article 68

68.1 If after given judgment for the announcement of death of the disappeared person the dispute at law in anyway gets informed that he is alive, according to the official assignment it develops the procedure in which it cancels such judgment.

68.2 The procedure from the paragraph 1 of this article the court develops also according to the proposal of the custody body and persons from the article 61 of this law.

Article 69

If after receiving the act-judgment for the announcement of death of the disappeared person is ascertain that the disappeared person had died on another day, and not on the day considered as the death day from the merit judgment, the court with the proposal of the subjects from article 61 of this law develops an appointed procedure and as the date of death is concern it changes the former judgment.

Article 70

70.1 For starting a procedure of annulment or change of the judgment for the announcement of death of the disappeared person, the court informs the custody body, if it has not initiated the noted procedure, and the hereditary court in front of which is being developed the procedure for the partition of this person's wealth.

70.2 The inheritance procedure that is in process of development will be interrupted. If this procedure ended with a final judgment and if a respective registration of real estate has been made in the book of land, it will be ordered to annotate in the book related with the procedure for the removal from power or change the merit judgment on the announcement of death of the disappeared person.

Article 71

If the court based on the developed procedure estimates that there is no room neither for annulment or change of the former judgment, sends the final judgment with such ascertainment to the hereditary court and competent body with the purpose of deleting the notes in the book of real estates.

Article 72

The final act judgment on the removal from power or change of the judgment for the announcement of death of the disappeared person is taken to the competent service for the maintenance of the respective books, hereditary court and the custody body.

c) The procedure of proving a person's death
Article 73

If a factual death of a person can not be proved by the foreseen documents by the law for the registration books, every person who has a direct legal interest and the custody body can present a proposal to the court so that with an act-judgment to ascertain the death of this person.

Article 74

74.1 In the court procedure for proving deaths in an adapted way are executed the dispositions of this chapter for the announcement of death of the disappeared person.

74.2 The respective deadlines in the procedure of proving a death cannot be shorter then 15 days either longer then 30 days.

3. The establishment and the maintenance of a psychical sick person in health institution
Article 75

75.1 According to the rules of this procedure the court with an act-judgment decides for the maintenance of a mentally (psychic) sick person in a health institution, where because of the nature of sickness it is indispensable that such person gets restricted in the freedom of movement and communication with people outside the noted institution.

75.2 According to the rules of this procedure the court decides also for releasing the psychical sick person from the health institution when the causes of his settlement in such institution are ceased.

75.3 The procedure from paragraph 1 of this article is pressing and has to end within a deadline of seven days.

Article 76

76.1 The health institution can accept for recovery the mental sick person with his approval if the nature of his illness allows giving such approval.

76.2 The approval from paragraph 1 of this article is given in a written form to the authorized body of the health institution ,in the presence of two adult persons which are capable of acting ,writing and reading.

76.3 The mentioned persons in paragraph 2 of this article cannot be related in a vertical unlimited link to the person who is accepted for recovery, whereas in a horizontal till in the fourth level, and cannot be neither relative by marriage till the second level or his spouse. On their function cannot be either the person who brought the mental ill person in the health institution.

Article 77

If to the person from paragraph 1 of the article 76 it has been restricted the freedom of movement or of contact with persons outside the health institution, then the health institution is obliged that within 24 hours to inform the court in written for such matter.

Article 78

When the health institution accepts for recovery the mentally ill person without his consent and without a court judgment, is obliged immediately to inform the court of the same location where the institution is for the matter with a document within 24 hours.

Article 79

The written notification from article 78 of this law has to consist of the data of the person held in institution, and also of the person who brought him in the health institution. With the notification document the health institution, if possible, sends to the court also the data of the nature, level of sickness and the available medical documentation.

Article 80

The health institution is obliged to act according to the article 78 of this law in a case when the person who is accepted on his will in the health institution withdraws the given approval, whereas the authorized person or body of this health institution considers a further recovery. The deadline for notification of the court begins from the day of withdrawal of the given approval.

Article 81

The notifications from the articles 78 and 80 of this law are not necessary to be made to the court if the mental ill person is held in the health institution based on the judgment given in the procedure for removal of aptitude to act or in the penal procedure or for infraction.

Article 82

If the acceptance in the health institution is not according to the judgment of the competent court, the court in the location in which is the health institution immediately after the arrival of the notification from article 78 or 80 of this law, and also when in another way is notified for the maintenance of the sick person in the health institution without his approval is obliged according to the official assignment to start a procedure for his further maintenance in the health institution.

Article 83

After beginning the procedure for the maintenance of the mental sick person in the health institution, the court will take all the necessary measures for the examination of such person by the professional medical experts with the adequate specialization, with the purpose that the latter prepare a statement and an opinion on the health condition and such a person's ability to judge.

Article 84

84.1 In the procedure of the compulsory establishment in a health institution the court acts in closed doors session.

84.2 The exception of public it does not belong to the legal representative and the mental sick person's lawyer.

84.3 With the court's judgment in the session can be permitted the presence of the person who deals with the cure or protection of the mental sick persons, scientific worker, spouse and other relatives of the person established in the health institution.

Article 85

With the judgment of opening a procedure the court appoints to the person established in health institution the representative from the rank of lawyers for defending his rights, if the pair itself has not done such a thing, or if the defense of his rights has not been insured in another way.

Article 86

86.1 The court is obliged to review and examine all the circumstances that are important for the assignment of judgment and to listen all the persons who have knowledge related to the essential facts.

86.2 If possible the court also listens the mental sick person if such a thing does not negatively effect his health.

Article 87

87.1 Before announcing the judgment for the compulsory establishment or the release of the mental sick person, the court is obliged to assume a written opinion of a psychiatrist from the list of the court experts who is not employed in the health institution where the person is compulsory established, to estimate if it is indispensable his maintenance in the health institution.

87.2 When it has to be determine for the compulsory maintenance of a child or a young person ,the court is obliged to assume the opinion from the paragraph 1 of this article from a specialized psychiatrist for cure of children and youth or from a psychiatrist who has a long working experience with children and youth.

87.3 The psychiatrist from the paragraph 1 and 2 of this article gives to the court the estimation in written for the necessity of establishment of the mental sick person in the health institution after he has personally checked him.

Article 88

88.1 After the conclusion of procedure the court is obliged immediately or within three days to give a judgment and determine whether the person established in the health institution should further remain or get released from it.

88.2 For the given judgment the court notifies the body of custody.

Article 89

89.1 If the court determines that the mental sick person should remain in the health institution, it will also appoint the time of his residence in the institution, which cannot be longer then one year.

89.2 The health institution is obliged to send to the court the reports of the changes on health condition of the person established for recovery.

Article 90

If the health institution estimates that the person should remain in recovery even after the deadline appointed in the judgment, it is obliged that within thirty days before passing this period to propose to the court to continue his maintenance in the institution.

Article 91

The act judgment for the continuous compulsory maintenance the court gives with the same procedure with which gives also the first act judgment for compulsory maintenance. The court is obliged that the act judgment on the continuous compulsory maintenance to give until the expiry of the appointed date of the maintenance in the health institution with the first act judgment.

Article 92

The act judgment is delivered to the compulsory maintained person in the health institution, his legal representative, to the close relative with whom he lives in a common family, to the proxy representative, body of custody and to the health institution in which the person is established for recovery.

Article 93

93.1 Against the act judgment on the maintenance in the health institution and against the one for the release from this institution the complaint can be presented by:

a) the person maintained for recovery;

b) his custodian;

c) proxy representative;

d) body of custody; and

e) the health institution.

93.2 The deadline for complaint is seven days and starts from the day of the act judgment's delivery.

93.3 The complaint does not obstacle the execution of the appropriate judgment, if the court does not decide otherwise for reasonable causes.

93.4 Trial court without postponement sends the complaint, together with the material file to the court of a second resort, which is obliged to give a judgment within the deadline of seven days from the day of the complaint's arrival.

Article 94

The person compulsory established in the health institution gets released immediately after the escalation of the deadline determined from the competent court for the compulsory maintenance.

Article 95

95.1 The court can, even before the escalation of time for the compulsory maintenance in the health institution, to release the person established in it, according to the official assignment, according to the maintained person's proposal, of his custodian, representative or the custody body.

95.2 The judgment for a precocious release is given by the court only if ascertains that the established person's health condition is improved in a measure that makes unnecessary the further maintenance in the institution.

95.3 The precocious release of the maintained person in the health institution is done from the court with a special judgment.

Article 96

The procedure expenditures of the maintenance in the health institution are covered by the commune in the territory of the maintained person's residence, if it is unknown then in the last residence of the persons maintained for recovery.

CHAPTER III

II. The adjustment of family relation

1. The continuation and cessation of parental rights

Article 97

97.1 In the procedure of continuity and cessation of the parental right the court decides for the continuity and cessation of the parental right when it is foreseen by law.

97.2 The procedure from the paragraph 1 of this article has to end within a deadline of 15 days from the day of the pair's proposal.

Article 98

The proposal for the continuity of parental right should be presented before the child becomes an adult, but the court can continue the parental right also in a case when the proposal is not presented on time, if in the time when the child becomes an adult exist causes for the parental right.

Article 99

The procedure for the continuance of parental right begins with the parent's proposal, respectively of the adopter or the body of custody.

Article 100

The person to which is continued the parental right is represented by a special custodian that is appointed by the body of custody, or temporary representative, which is appointed by the court, which develops the procedure for continuity of the parental right.

Article 101

According to the proposal for the continuity of the parental right the court decides based on the procedure material disputed in the court session in which are invited the presenter, the custody body and the children's parents disregarding who placed the procedure at act.

Article 102

In this procedure the court according to official assignment estimates the mental health condition and the ability of the child to which the parental right is continued. This condition and ability the court estimates in the foreseen way of the 40 article of this law.

Article 103

Before the merit judgment is announced the court should listen to the child's parents and the representative of custody body, and also to obtain an opinion from this body for the possibility to continue the parental right.

Article 104

In the judgment for the continuity of the parental right the court will determine if the person to which is continued the parental right is equal to the youngest minor or is older then 14 years.

Article 105

When the provisions for which is continued the parental right towards an adult does not exist anymore, the court with the proposal of this person, of the parent or of the body of custody will give a judgment for the cessation of the continued parental right.

Article 106

In the procedure for the continuity of the parental right and also in the procedure of the cessation of the parental right are applied appropriately the provisions of this law for the removal and return of the ability to act, if with this law or another one is not foreseen otherwise.

2. The deprivation and the restitution of parental right
Article 107

107.1 In the deprivation and restitution of parental right procedure the court decides of deprivation and restitution of parental right, when the provisions appointed by law exist.

107.2 The procedure from paragraph 1 of this article has to terminate as soon as possible, or lately within 15 days from the day of the proposal's submission to the court.

Article 108

The procedure for deprivation and restitution of parental right can set into act the other parent, the adopter who has the parental right or the body of custody, whereas the procedure for restitution of parental right can be set to act with his proposal also by the parent to whom this right is deprived.

Article 109

The court is obliged immediately to notify the body of custody for the beginning of the procedure and to summon to participate in the procedure even when the procedure is not started with its proposal.

Article 110

The court or the body of custody can appoint to the child a special custodian to represent him at this procedure even when the other parent is alive and exercises the parental right, if is estimated that this is necessary for the defense of the child's interest.

Article 111

111.1 The court according to the official assignment states all the facts that are essential for the announcement of the merit judgment.

111.2 With the purpose of ascertainment of essential facts the court holds a session in which it summons the proposer, body of custody, both parents and the custodian of the person to whom is deprived or respectively restituted the parental right.

111.3 The court necessarily listens to the parents, whereas to the minor only when such a thing is not harmful for his mental health. In the case of judgment for the deprivation and the restitution of the parental right the court takes into consideration also the minor's wishes if he is able to express them and if they are in his interest.

Article 112

In the deprivation and restitution procedure in a suitable way are implemented the clauses of this law on the deprivation and restitution of ability to act.

Article 113

The act judgment for the deprivation, the restitution, continuity and the cease of the parental right will be recorded in the birth register book, and if this person has real estate, also in the registration book of real estate.

3. The grant of permission for marriage bond
Article 114

In the procedure for the grant of permission for marriage bond, the court decides on the proposal for the grant of permission for marriage bond between the appointed persons when according to the law is foreseen that the marriage between them can be bonded only with the permission of the court.

Article 115

115.1 The procedure for the grant of permission for marriage bond begins with the proposal of the person that does not fulfill the conditions appointed by law for a valid marriage bond.

115.2 If either from the two persons that want to bond a marriage does not fulfill the conditions foreseen by law, the procedure begins with their common proposal.

Article 116

The proposal should consist the personal data of the persons that want to bond a marriage, and the reliable facts and the evidences for these facts. If the proposer is a minor, the proposal should consist also the data for his parents.

Article 117

When the proposal is presented from a minor, the court in a appropriate way will investigate all the circumstances which are important to ascertain if it exist his free will and wish to bond a marriage, and also if he has gain a necessary body and spiritual maturity for the drill of marriage rights and assignments.

Article 118

Before the announcement of merit judgment the court will obtain the ascertainment and the opinion from the health institution and also the opinion from the body of custody. Except this the court will question the representative of the proposal, the parents or his custodian, respectively his adopter, the person with whom the minor wants to bond matrimony, and if necessary can also use other evidence aiming the ascertainment of essential facts.

Article 119

119.1 If the court estimates that this is necessary to ascertain the essential facts, it will use all the evidence or some of them in a court session.

119.2 The court, in principle, will question the minor without the presence of other participants of the procedure.

119.3 The court is obliged to ascertain also the personal quality, wealth status and other essential circumstances concerning the person with whom the minor wants to bond the marriage.

Article 120

The court during the prosecution of the case, in appropriate way will examine the justification of the proposal attentively for realizing the aims of the marriage, for the protection of the family, and also for the environment conceptions in which live the persons that want to bond the marriage.

Article 121

121.1 In the act judgment with which it is permitted the bond of marriage the court with note the names of the persons to which it is permitted to bond a marriage.

121.1 The act judgment for the grant of permission for the bond of marriage is taken to the proposer and to the person with whom the proposer wants to bond the marriage, to the parents, respectively to the proposer's custodian and the body of custody.

121.3 The act judgment with which it is refused the proposal for the grant of the marriage bond permission is taken only to the proposer.

Article 122

122.1 Against the act judgment according to which is permitted the bond of marriage, the complaint can be presented by all the participants of the procedure from paragraph 1 of the article 121 of this law.

122.2 Only the proposer can present the complaint against the act judgment according to which is refused the proposal for the grant of permission for the bond of marriage.

Article 123

The persons to which is granted the permission to bond a marriage cannot bond the marriage before the final judgment on the permission for the marriage bond.

Article 124

124.1 The proposal for the grant of permission of marriage bond can be withdrawn until the act judgment on the grant of permission for marriage bond is a final judgment.

124.2 It will be considered that the common proposal is withdrawn when it is withdrawn only from one of the proposers.

CHAPTER IV

III. The regulation of property relations

1. The review of the hereditary estate

a) The common provisions

Article 125

In the procedure of the hereditary property review the court ascertains who are the inheritors of the dead person, or of the person whose death is announced by the court's judgment, which estate contains his

hereditary estate, and which right from the hereditary estate belong to the inheritors, legates and other persons.

Article 126

The participants in the procedure of the hereditary estate review are considered the inheritors and the legations, and also the person who realizes any rights from the hereditary estate.

Article 127

The procedure for the hereditary estate review is set in act from the court according to the official assignment as soon as the court is notified that a person has died or is announced dead by a court judgment.

Article 128

128.1 For the review of hereditary estate of territory's competence is the court in the territory where the testator in the moment of his death had is residence. If the testator in the moment of death had no residence, the court of the territory of his settlement is competent, if not foreseen differently by the international contract or the law.

128.2 If the testator in the moment of death had no residence or temporary dwelling in Kosovo, in territorial point of view is competent the court in the territory where it is located his hereditary estate or the biggest part of it.

128.3 The temporary measurement for the assurance of his hereditary estate can be ordered from the court in the territory where the testator died, and also the court in the territory where the hereditary estate is.

Article 129

129.1 For the review of Kosovo residents' hereditary estate who in the moment of death had his residence in Kosovo, in point of real estate that is in the territory of Kosovo and in the point of his movable property, disregarding where is located, it is exclusive competence of the court of Republic of Kosovo.

129.2 If the real estate of the persons from the paragraph 1 of this article is outside our country, the court of Kosovo will be competent only if according to the states law in which is such estate is not competent the foreign court.

Article 130

The participants of the procedure for the review of hereditary estate cannot be appointed by agreement neither the material competence nor the territory competence of the court.

Article 131

The judges together with the recording clerk do the assumption of evidences and declarations for the withdrawal from the hereditary estate. The other declarations and the proposals of the participants of the procedure can be obtained in a record also by the professional collaborators.

Article 132

132.1 For the accomplishment acts during the procedure the court drafts a record.

132.2 For the procedure acts less important and for the information that are gathered by the court, instead of the record can only be accomplishment the notice in the file of the matter. The record is signed by the participants of the session, the judge and the recording clerk, respectively the professional collaborator who drafted it. The notice in the file is signed from its compiler.

b) The preliminary acts of procedure
Article 133

133.1 When a person dies or is announced dead by a court judgment, the communal body of the competent service for the maintenance of the death recording book is obliged that within the deadline of 15 days from the day that has recorded the death, to send the act of death to the hereditary court.

133.2 If the body from the paragraph 1 of this article is not able to secure the necessary data to compile the act of death, will sent the act of death in the court consisting only the available data (an uncompleted act of death), describing the reasons for not being able to compile the act of death and will present the data which will serve to the court for finding the inheritors and the testator's estate.

133.3 If the person died outside the commune territory in which he had his residence and settlement, the body competent for the maintenance of the death-recording book will send to the hereditary court only the certificate from the book of deaths, and also the available data, which could serve to compile the act of death.

133.4 The act of death is compiled even if the dead person left no estate.

Article 134

The act of death is compiled according to the data that were obtained from the dead person's relatives, from the persons with which the dead person used to cohabitate, and also from other persons that could give data that will be noted in the act of death.

Article 135

135.1 If to the hereditary court is taken an uncompleted act of death or only the certificate from the death recording book, the court according to the case circumstances will complete the act of death or it will oneself compile it, or the compile of the act of death will be credited to the body competent for the maintenance of the recording book of deaths.

135.2 When this is arguable, the court will compile oneself the act of death also apart from the case of paragraph 1 of this article, if by the certificate of the recording book of death or by a public document it is proved the death of the testator.

Article 136

136.1 In the act of death are noted these data:

a) the name and surname of the dead person and the name of his parents, the profession, the date of birth and the citizenship of the dead person, whereas for the married dead person also the former surname possessing before the marriage;

b) the day, month and year and if possible the time of death;

c) the residence, respectively the settlement of the testator;

d) name and surname, the date of birth, profession, the residence respectively the settlement of the testator's spouse and the children born through marriage, outside the marriage and the adopted children;

e) name and surname, date of birth, the residence respectively the settlement of the other relatives which can be summoned by law in inheritance, and also of the other persons which have rights in the inheritance based on the testament;

f) the average worth of the real estate and especially the average worth of the testator's movable estate.

136.2 In the act of death, if possible, should be also noted: the location of the dead person's estate, if it possessed estate for it's keeping, maintenance, or its presentation of which exist special provisions, if it possesses cash, valuable letters, precious things, the book of savings or other important documents, if the dead person has dept and how many, if he had left a testament in written or a contract for eternity meal, or an agreement for the property division for the alive and its location, and if the dead person had left an oral testament then also the name and surname, profession and the residence of the witnesses in front of which was made the oral (verbal) testament .

136.3 In the act of death should be noted especially if it is expected a birth of testator's child.

136.4 If before the testator has died his spouse or one of his children or any other person who could inherit the testator, in the act of death should be noted the date and the place of their death.

Article 137

As a member of the family community in the act of death are noted the names and surnames and also the addresses of the adult members of the family community and also all the properties of the family community.

Article 138

138.1 The inventory and the estimation of the testator's estate is done according to the hereditary court when the inheritors and their residence are unknown, when inheritors are the persons which because they are underage, mental sick or other circumstances are entirely incapable or partly capable to take care of their business, when the hereditary estate has to be delivered to the commune or to an other legal person, or other justified cases.

138.2 The court will order to be made the inventory and the estimation of the hereditary estate also in a case when it is required from the inheritors, legates or the testator's creditor.

138.3 The inventory and the estimation of the hereditary estate is done also without the judgment of the court in the case of compiling the act of death, if it is required from one of the inheritors or the legate.

Article 139

139.1 In the inventory of the hereditary estate are included all the real estate and the movable estate that were owned from the testator at the moment of his death.

139.2 The inventory will also include the estate that the dead person owned, but which is located at another person, with accentuation at whom is such estate and according to which legal base, and also the estate possessed by the dead person of whom it is claimed is not his property.

139.3 In the inventory of the hereditary estate should be noted the credits and the assignments of the dead person, and especially the unpaid taxes and also other contributions given to the state.

Article 140

140.1 The movable items are listed according to the type, number, mass and weight or separately.

140.2 The real items are listed separately noting the place where they are located, the type and the description of the object, the land culture, and the data from the book of real estate, if known.

140.3 In the case of inventory of the hereditary estate will be noted also the value of the movable and real items which consist the hereditary estate.

Article 141

141.1 The inventory and the estimation of the estate are done by the competent commune service.

141.2 The inventory and the estimation of the estate can be done by the court official appointed by the judge.

141.3 The inventory and the estimation of the estate is done with the presence of two adult citizen and if necessary also with the participation of an expert.

141.4 During the inventory and the estimation of the estate can be present every interested person.

Article 142

The competent commune body, which has done the inventory and the estimation of the estate, will send to the hereditary court the data related to the inventory and the estimation.

Article 143

If the estate of the testator consist of items for which maintenance, savings or presentation exist special provisions, with those after the completion of inventory and the estimation it will be acted according to these provisions.

Article 144

144.1 If there are objections related to the inventory or estimation of the estate, the court can decide that the bailiffs do again the inventory and the estimation of the estate.

144.2 If the inventory of the estate is not done, the court can ascertain oneself which estate enters in testator's hereditary estate, according to the data of the interested persons.

Article 145

145.1 If it is ascertain that neither of the present inheritors is not capable to administrate the hereditary estate, and has no legal representative, or in case when the inheritors are unknown or miss, and also when the other circumstances demand special caution, the competent commune service, in pressing cases, will surrender the estate, or only a part of it to a certain person for its maintenance and for this will immediately notice the court in the territory where the estate is, which can change this measurement.

145.2 The Cash, the valuable letters, precious things, the book of savings and other important documents, in the case of paragraph 1 of this article, should be forwarded for protection to the court in the territory in which the estate is. This court will notify the hereditary court for all the measurement appointed for the assurance of the hereditary estate.

Article 146

146.1 In the cases in which by law is necessary the nomination of the temporary representative of the hereditary estate, the nomination will be done by the hereditary
court.

146.2 The court before nominating the temporary custodian, if possible for the personality of the custodian will demand an opinion from the persons which appear as inheritors.

Article 147

The measurement for the assurance of hereditary estate the court can pronounce during the procedure for the review of the inheritance.

c) The acts related to the testament
Article 148

148.1 The body that compiles the act of death has to verify if the dead person has left a testament in written, respectively if it exist a document on oral verbal testament.

148.2 The testament left by the dead person will be delivered to the hereditary court together with the act of death.

Article 149

149.1 When the court ascertains that the person who left the testament is dead or is announced dead by a court judgment, then it will open it, without damaging the seal, and read while compiling a record for such a matter. In this way is acted disregarding if the testament is valid according to the law and how many testaments existing.

149.2 The opening and the reading of testament is done in a presence of two adult persons which can be from the rank of possible inheritors.

149.3 In the case of the announcement of testament can be present the inheritors, the legates and other interested persons and can require a copy of testament.

149.4 The court to which is the testament or to which it is delivered, will open and read the testament even when for the review of the hereditary is competent another court or body of another state.

Article 150

150.1 The record for the announcement of the written testament has to contain the following data:

a) how many testaments are found, of which date are they and where are they found;

b) who has delivered to the court the testament or the compilers of the act of death;

c) if the testament was delivered opened or closed , and with which seal was sealed;

d) which witnesses were present when the testament were opened and announced.

150.2 If in the case of the testament opening it is noticed that the seal was damaged or deleted, hyphened or corrected, or if any other suspicion thing is noticed, then all this should be emphasized in the record.

150.3 In the announced testament the court places the verification for its announcement by appointing the date of announcement, and also the number and date of the other found testaments of the same testator.

150.4 The record is signed by the judge, the process maintainer and the witnesses.

Article 151

151.1 If the dead has made an oral verbal testament and for it exist a document signed
by the witnesses hand, the court will announce the content of this document according to the provisions valuable for the announcement of the testator's written testament. If such document does not exist, the witnesses in front of which is made the oral verbal testament will be listened separately for the content of the testament, and especially related with the circumstances of which it depends its valuation, and after this the record compiled on such declarations will be announced according to the provisions which value for the announcement of the testator's written testament.

151.2 If the procedure's participant requires the questioning under oath of the witnesses of the oral verbal testament or if the court itself comes to a conclusion that is necessary such hearing of the witnesses, then it will appoint a session for the witnesses hearing in which is summoned the proposer, whereas the other Participants are summoned only if such a matter does not drag the further procedure.

Article 152

152.1 If the testator's written testament is lost or annihilated without the testator's will, whereas between the interested persons is no contention for the existence of such testament, for the form in which is

compiled, for the way of it's loss or annihilation, and also for the content of the testament, then the hereditary court related to the existence of the testament will listen all the interested and based on their proposals will obtain evidence, and then the compiled record will be announced according to the valid provisions for the announcement of the oral verbal testament.

152.2 If the hereditary estate, in the case of the nonexistence of the testament, would be made property of state, the agreement of the interested persons for the former testament, for its form and content it is valid only with the approval from the authorized commune representative. If among the interested persons are such who lack the ability to act, then the agreement in matter values only with the approval of the body of custody.

Article 153

153.1 The record for announcing the testament together with the source oral testament, respectively together with the document on the oral testament or the record on the witnesses hearing of the verbal testament will be delivered to the hereditary court, and the court which announced the testament will keep their copy.

153.2 The written testament from the source testator, the document on the verbal testament, the record on the witnesses hearing of the verbal testament, and also the record on the content of the lost or annihilated testator's testament, will be preserved in the court apart from the other matter files, whereas their verified copy with be attached to the matter file.

153.3 For the announced testament the court notifies the Register of testaments.

d) The court's procedure after the arrival of the act of death
Article 154

154.1 After receiving the act of death the court will ascertain if it is competent for the review of the hereditary estate, and if it is ascertain that it is not, then it will send the material file to the court regarded competent.

154.2 If the court that received the act of death ascertains that for the review of the hereditary matter is competent the foreign state body, with judgment will be announced incompetent and will suspend the started procedure.

Article 155

If the testator has loaded a person to execute the testament, the court will announce for such a thing the executor of the testament and summons to declare in an appointed term if it does accept the assignment for which it is loaded.

Article 156

156.1 If it is expected a birth of the child which would have the right on inheritance, the hereditary court will for this notify the body of custody.

156.2 If the body of custody does not act differently, then for the rights of the scarcely born child will take care one of his parents.

Article 157

157.1 If from the data of the act of death it is regarded that the testator has left no estate, or has left only movable estate and neither from the inheritors does require the review of the matter, the court with a judgment will decide not to review the hereditary estate.

157.2 When the court decides not to review the hereditary estate, whereas among the inheritors are such which lack the ability to act, and also have no parents which would take care of their rights and interests, then the court for such a matter should notify the body of custody.

157.3 If the court decided not to review the matter for the causes from paragraph 2 of this article, the persons who have the right on the inheritance can realize their rights which belong to them as inheritors by initiating the hereditary procedure.

Article 158

In the cases in which according to the law can be required the separation of the hereditary estate from the inheritors estate, the court, with the proposal of the authorized persons orders such separation applying the respective provisions of this article on the temporary measurement for the assurance of the hereditary estate.

e) The review of the hereditary estate

Article 159

159.1 The review of the hereditary estate is done in the court session.

159.2 In the summon letter for the court session the interested persons will be notified for the opening of the procedure and for the existence of the testament if it exist, and will be summon immediately to hand to the court the written testament respectively the verbal testament, if they posses it, or to indicate the witnesses of the verbal testament.

159.3 The court in the summon letter will notify in advance the interested persons that until the termination of the hereditary procedure they have the right to give declarations in the court if they accept the inheritance or they withdraw from it, and if they do not come in the session or do not give declarations, the court will decide for their rights according to the data of the material document.

Article 160

160.1 For the opening of the procedure for the review of the hereditary estate, if the dead person has left the testament, the court will notify and summon to the session also the persons that according to the law will have right for inheritance.

160.2 If the dead person has appointed the executer of his testament, the court will also notify him for the opening of the procedure.

Article 161

161.1 If the court has no knowledge if the testator has any inheritors, the court with a public announcement will summon the persons who have the right for inheritance to appear to the court within a term of six months from the day of the announcement's published in the "Official newspaper of Kosovo".

161.2 The announcement will be placed on the court's announcement's board, and if necessary it will be published also in other appropriate way.

161.3 The court acts according to the provisions from the paragraph 1 and 2 of this article even when to the inheritor it is nominated the temporary representative for the cause that his residence is unknown, or for the cause that the inheritor or his legal representative, who has no proxy representative, is in the outside world, whereas the delivery of the documents could not have been done according to the rules of the Law for the contentious procedure.

161.4 After the expiry of the deadline from the paragraph 1 of this article, the court will develop the hereditary procedure according to the declaration of the nominated custodian and the available data of the court.

Article 162

162.1 In the session for the review of the hereditary estate the court will review all the matters related to the testator's estate, and especially the one belonging to the hereditary right, the inheritance greatness and the right of the legate.

162.2 For the rights of the paragraph 1 of this article the court decides, in principle, after it has received the necessary declarations from the interested persons.

162.3 For the rights of the persons which did not come in the session, against the regular summon to them, the court will decide based on the available data and also taking into consideration their written declarations which arrive until the moment of issue of the judgment on inheritance.

Article 163

163.1 During the procedure's development, the interested persons can give declarations related to the inheritance also when there are not present the other interested persons, and
there is no need to be given a chance to such persons every time to declare related to the declarations of the other interested persons.

163.2 If the court doubts that the person who according to law itself has right for inheritance is the only relative or the closest relative of the testator can listen also the other persons for which it considers that could have a same or more powerful right for inheritance. Such persons the court can summon also with an announcement based on the provisions of the article 162 of this law.

Article 164

164.1 Every person is authorized, but no one is obliged to give declaration for inheritance.

164.2 For the person who did not give the declaration for the withdrawal from the inheritance it is considered that wants to become an inheritor.

164.3 The person who has given a valid declaration with which has accepted the inheritance has no right for its revocation later.

164.4 If the inheritor has accepted or withdrawn the inheritance, the declaration for this should be signed by him or by his legal representative. If these two are not capable of writing and reading, then in the written declaration will place the mark of the index finger.

164.5 If the inheritor or his representative is not capable to sign the hereditary declaration, it is sufficient that to the authorized person in front of which it is given the declaration, to indicate the causes for such matter, whereas he writes his causes in the record.

164.6 The signature of the documentation that contains the hereditary declaration and also the signature in the proxy (the authorization) for the hereditary declaration should be verified from the competent body.

164.7 In the hereditary declaration should be mentioned if it accepts or withdraws from the part that it belongs by law or according to the testament, or that it has to do with the indispensable part. When there is a lack of the mentioned specification it is considered that the declaration belongs to the all bases for the inheritance.

Article 165

165.1 The inheritor can give the verbal declaration for the inheritance withdrawal in the court of inheritance or in another competent court.

165.2 In the case of the withdrawal of inheritance declaration, the court will notify the inheritor of the possibility of the withdrawal only on his name or also on his successor's name.

Article 166

166.1 The hereditary court will interrupt the procedure and guides the inheritors to open a contentious procedure in the court, or the procedure in the administrative body, if the facts between them from which depends any of their right related to the inheritance are litigious.

166.2 In the foreseen way with the provision of the paragraph 1 of this article the court will act especially when they are contentious:

a) the facts from which it depends the right for inheritance, and especially the validity or the content of the testament or the inheritor's and testator's relation according to which the inheritance is done by law;

b) the facts from which it depends the base of the request of the after living spouse and the testator's successors, which has cohabitated with the testator in the same family, for the specification of the things of the domestic economy which serve for the fulfillment of the daily need from the hereditary estate;

c) the facts from which it depends the greatness of the hereditary part, the value of the obligatory part (indispensable) and especially of the part that is included (calculated) with the hereditary part;

d) the facts from which it depends the legal base of the inheritor's exception from the inheritance, or of the existence of causes for the unworthiness to inherit the testator's;

e) estate the facts related to the circumstance of any inheritor's withdrawal from the hereditary right.

166.3 If in the mentioned cases of the paragraph 2 of this article does not exist the litigation around facts, but there are litigations between pairs related to the application of rights (legal norms), the hereditary court it reviews itself the matters of legal nature in the hereditary procedure.

Article 167

The court will not interrupt the hereditary procedure in the case from the paragraph 1 of the article 166 of this law if it is the matter of the contention around facts, the existence of which the law itself presumptions, around the publicly known facts, and also when there are litigious the facts which can be ascertain according to public documents or the private documents but verified. In these cases the court according to it selves free obedience for the existence of the mentioned facts, respectively of the mentioned document's content, gives the act judgment for inheritance, whereas the pair which claims the opposite the court guides to initiate the contentious procedure, respectively the procedure in the administrative body.

Article 168

168.1 If between the participants of the hereditary procedure appears a contention around the facts from which it depends the right of the appointed legate with testament, or any other right from the hereditary estate, the court will guide the participants to initiate the contentious procedure or the administrative procedure, but will not interrupt the heredity procedure.

168.2 If in the case from the paragraph 1 of this article it does not exist the litigation around facts but only related to the application of the right, the hereditary court will review and solve the matters of legal nature in the hereditary procedure.

Article 169

169.1 The court will interrupt the hereditary procedure and will guide the pairs to initiate the contentious procedure or the administrative one if between them are
contentious the facts:

a) from which it depends the content of the hereditary estate;

b) from which it depends the legate's object.

169.2 The court does not interrupt the hereditary procedure in the case from the paragraph 1 of this article, if the facts which can be ascertain according to the public or private documents bur officially

verified are litigious or on the one self will that the contain of such documents its accurate, will issue the act judgment on the inheritance, whereas it guides the person who demands the opposite that in the contentious procedure, or administrative one, to verify the accurateness of his demand.

169.3 When the court in the case of the paragraph 1 of this article interrupts the hereditary procedure, must ascertain if the presumptions are fulfilled for the issue of the partial act judgment on the inheritance, and if they are fulfilled the court should issue it.

169.4 The procedure's interruption from the paragraph 1 of this article has not to do with the one included according to the partial act judgment on the inheritance.

Article 170

170.1 The court will guide the pair of which right is considered less trustful for the initiation of the contentious procedure or the administrative one.

170.2 If the court does interrupts the hereditary procedure then it will appoint a deadline, which can not be longer then 30 days, within which should be initiated the contentious procedure, respectively the administrative procedure in the competent body. The participant in the hereditary procedure which is guided for the contentious or administrative procedure's initiation is obliged to notify the court if it has acted according to such guideline within the appointed deadline.

170.3 If the pair acts according to the court's judgment and it initiates the contestable or
Administrative procedure within the deadline, the hereditary procedure's interruption continues until the contentious or administrative procedure is terminated with a final judgment.

170.4 If the pair does not act within the appointed deadline according to the court's judgment, the interrupted procedure will be continued and terminated disregarding the request related with which the pair is guided to initiate the contentious or administrative procedure. In such a case the guided pair for the initiation of contentious or administrative procedure its right can realize in the procedure for which it was guided.

170.5 If the hereditary court has acted in reconciliation with the provision of the paragraph 4 of this article, but also in the case when it has reviewed the hereditary estate apart from the fact that it had to guide the pair, to initiate the contentious or administrative procedure, then it's act judgment of a final judgment does not obstacle that for the late pair's request to be initiated the contestable or administrative procedure.

f) The judgment act for the inheritance
Article 171

171.1 When the court in the hereditary procedure ascertains to which persons does belong the right on inheritance, will announce these persons as inheritors based on itself act judgment for inheritance.

171.2 The act judgment for the inheritance should contain:

a) the name and surname of the dead and the name of one of his parents, the date of birth and the citizenship of the dead, and if possible the personal number of the citizen, whereas for the dead persons in marriage also the surname they had before the marriage bond;

b) the real estate with the data from the public books necessary for registration, and also the movable items and the other rights for which the court has ascertain that consist the hereditary estate;

c) the name and surname of the inheritor, his residence, the inheritor's relation to the testator, if it inherit the testator by law or according to the testament, and if there are more inheritors also the hereditary part of each one of them, expresses with a fraction line, and if possible the unique personal number;

d) if the inheritor's right is conditioned, time limited, restricted or loaded, and on who's advantage;

e) the name and surname, the residence of the persons to which it belonged the legate's right in the hereditary estate, or any other right from the inheritance with a precise notice of this right, and if possible their personal number.

Article 172

If in the hereditary procedure all the inheritors and the legates with an agreement propose to the court the separation and the way of the separation, the court such agreement in cooperates in the act judgment for the inheritance. The courts acts the same also
when the separation of the hereditary estate is done by the approval of the request of the inheritor who lived in a family community with the dead, to leave the appointed things
which serve for daily needs or for the professions exercise.

Article 173

173.1 The act judgment on inheritance is handed to all inheritors and to the legates and also to the persons who during the development of the hereditary procedure has presented a request for inheritance.

173.2 The final act judgment for inheritance is handed to the competent body for the taxes and the maintenance of the public books.

Article 174

174.1 In the act judgment of inheritance the court orders that after it becomes of a final judgment should be done the necessary registration in the public book, in accordance with the rules in such book.

174.2 In the act judgment of inheritance the court will appoint that after becoming a final judgment, to be delivered to the authorized persons the movable estate which where deposited in the court or at the third person.

174.3 If according to the testament of the inheritor is ordered the fulfillment or the assurance of the assignment in the advantage of the person who is not capable to take care of his interests and his rights, or for the realization of any public advantage, the court will appoint the necessary measure of assurance.

Article 175

When the right of the inheritor is conditioned, time limited or loaded by order, the court with the proposal of the authorized persons will appoint a temporary measurement of the assurance.

Article 176

176.1 If the inheritors do not contest the legate, the court also before giving the inheritance act judgment, with the legate's right, can give a special act judgment for the legate.

176.2 In such a case in appropriate way will be applied the provisions for the registration in the public book and for the delivery of the movable things which are placed for maintenance in court or at the third person.

Article 177

When the contain of the hereditary estate is partly non contentious, the court, after ascertaining who are the inheritors, respectively the legates will give a partial act judgment on inheritance with which will appoint the inheritors and the legates and also the non contentious part of the estate which is part of the hereditary estate.

Article 178

178.1 It is considered that according to the act judgment for the inheritance which took the final form it is ascertain which enters in the hereditary estate, who is an inheritor of the dead, how big is the belonging part of the estate, if it is restricted or loaded the right on inheritance and in which way, and also if it exist

and which of the legate's right exist. All this values also for the partial act judgment for inheritance in the point of which was ascertained by him.

178.2 The one that was ascertained by the final act judgment for the inheritance can be contested only from the one that is not related to such act judgment according to the provisions of this law. He can do such a thing only in the contentious procedure initiated against the persons in advantage of which goes the ascertainment that is litigiated by the lawsuit.

Article 179

179.1 With the final act judgment are not related the persons which claim that any right belongs to them related to that which was ascertained that is part of the hereditary estate, if they had not participated as a pair in the hereditary estate's review, and if they were not summoned personally and regularly for their participation.

179.2 With the final act judgment are not related the persons which claim that after the death of the testator to them did belong the right on inheritance according to the testament or law, or that to them belonged the legate's right, if they did not participated as a pair in the hereditary estate's review, and they were not summoned personally and regularly for the participation in it.

Article 180

With the final act judgment are related the person who as a pair has participated in the review of the hereditary estate, or that they were summoned for the participation in it, personally and regularly, but not when it has to do with:

a) the rights that appear for them from the found testament after the termination of the hereditary procedure;

b) the right of which ascertainment was depended from the way of solution of any contentious fact in the contentious or administrative procedure for which initiation has existed the guide of the court, or it had to exist, or if the contest was not solved before the hereditary act judgment was of a final form;

c) if conditions are fulfilled under which in the contentious procedure could be proposed the repetition of the procedure terminated with a final act judgment.

Article 181

181.1 The person who with confidence, in the case of the winning of the estate's right on any thing or of the right that belongs to the inheritor, has acted believing in the verification of the act judgment which took the final form, not knowing that such ascertainment is not for the person from which it has won it, nevertheless it becomes an owner of the thing or the won right as it would profited it if to the alienate would really belong the right of inheritance as it was said in the final judgment for inheritance.

181.2 On this rule are not included the provisions for the trust profit in the verification and fulfillment in the public book, and neither in the provisions for the profit of the movable estate from the non-proprietor.

g) The inheritor's requests after the obtainment of the final judgment for inheritance

Article 182

182.1 If after the act judgment for inheritance is final is found the estate that is not included in this act judgment, the court will not review again the hereditary estate, but this estate with a new judgment will apportion on the support of the former inheritance act judgment. This rule does not value if any of the inheritors withdraw from the inheritance or has given the hereditary part to the co-inheritor.

182.2 If the hereditary estate was not reviewed before, the court will review it only if the found estate contains real estate or rights equal to such things.

182.3 If the found estate contains movable estate or rights equal to such things, the court will open a procedure for the review of the hereditary estate only on the proposal of the interested persons.

Article 183

183.1 If after the act judgment is of a final judgment for inheritance is found the testator's testament, the court will announce it, and will send the record for the announcement and the copy of the testament to the hereditary court, whereas the original it preserves for itself.

183.2 In the case from the paragraph 1 of this article the hereditary court will not review the hereditary estate, but will notify the interested persons for the announced testament and will draw their attention that they can realize their rights according to the testament in the contentious procedure.

Article 184

The person who is not related to the act judgment of inheritance or legate, who thinks that it belongs the right of inheritor or of the legate, can realize such rights only with a contentious procedure.

Article 185

185.1 After the act judgment is final for the inheritance or legate, the pairs have the right to, within the deadlines and for the causes from which can be required the repetition of the contentious procedure, with a law-suit to initiate a contentious procedure and in it to realize their rights.

185.2 In the contentious process from the paragraph 1 of this article, the court, for the existence of the presumptions for the procedure's repetition, will decide as for the previously matters (pre judicial).

h) The procedure in the case when it is competent the body of a foreign state

Article 186

186.1If for the review of the hereditary estate is competent a foreign body, the court in the territory in which the testator died, after the arrival of act of death will publish an announcement with which will summon all the citizens of the country which claim that are inheritors, legate or creditors of the testator, that within the appointed deadline, which cannot be shorter then 30 days or longer then 6 months which starts from the day of announcement in the " Official newspaper of Kosovo", to present to the court such claims. With the announcement will be notified those who can have claims that if the requests for the hereditary estate of the dead are not presented on time the movable estate of the testator will be handed to the competent foreign body or to the person authorized from such body.

186.2 Beside in the "Official newspaper of Kosovo" the announcement will be published also in the court's announcements board, if necessary also in other appropriate way. One
announcement issue will be handed to the diplomatic representative or consulate of the respective state in our country.

186.3 The court will not publish announcements if the hereditary estate that is in our country is of a small value.

186.4 If the court does not publish announcements the hereditary estate of the dead will be surrendered to the foreign competent body, or to the person authorized from such body, just after three months pass from the day of the death of the foreign citizen.

Article 187

187.1 If any person which considers himself an inheritor or a legate of the testator presents a request to the court, then the court will maintain the hereditary estate, respectively a part of it, which is necessary for covering such request, until it is not of a final form the judgment of the foreign body related to such request.

187.2 The final judgment of the foreign body related to the pretended request our court will execute on the hereditary estate or on the maintained part of it, whereas the eventual excess will send to the foreign state.

Article 188

If any creditor of the testator presents his request to the court that has for the testator, then the court will maintain enough movable things from the hereditary estate to cover such request. Such things will be maintained until it is not realized or assured sufficiently the creditor's request.

Article 189

189.1 If for the review of the hereditary estate of the foreign citizen in the point of his movable estate is competent the foreign body, the court, if all the inheritors who are in Kosovo propose that the review of the matter to be done in Kosovo, will summon the inheritors and the legates outside our country that within a term of 6 months, from the day of the summoning, to present objection of the incompetence of our court, with the threat that the review of the hereditary estate will be done by our court.

189.2 The known inheritors to which residence is unknown will be summon by the announcement published in the "Official newspaper of Kosovo", in the court's announcement board, and if necessary also in other appropriate way. One issue of the announcement is send to the diplomatic representative or consulate of the respective state, which are in our country.

189.3 If neither from the inheritors or legates outside our country does present the objection of the incompetence of our court, within the term of the paragraph 1 of this article, the court after the expiry of this deadline will do the review of the hereditary estate of the foreign citizen.

2) The administration and the exploitation of the common things
Article 190

In the procedure of the administration and exploitation of the common things the court will arrange the way of administration and the exploitation of the common things of the co proprietors, of the co exploiters and of the other co possessors of the same thing.

Article 191

191.1 The procedure for the administration and exploitation of the common thing is initiated with the proposal of the person who thinks is restricted in his right for the administration and exploitation of the common thing.

191.2 The proposal should contain the data of the interested persons and of the thing that is a proceeding object, and also the causes for which it is initiated the procedure.

191.3 The proposal is presented to the court in the territory in which is the thing, and if it is located in the territory of some courts, the proposal can be presented to any of such courts.

Article 192

192.1 After the arrival of the proposal the court will appoint a session in which will summon all the interested persons, will display to them the possibility and help that with an agreement to regulate the administration way, respectively of the exploitation of the common thing.

192.2 The agreement of the interested persons the court ascertains in the record as a legal mutual agreement, after it has notified them for the legal nature and the effect and the legal consequences of the court's mutual agreement.

Article 193

193.1 If the interested person does not agree the court will obtain the necessary evidence and according to the results of all the procedure will draw the act judgment with which will regulate the way of administration and exploitation of the common thing according to the respective provisions of the material right, attentively for their special and common interests.

193.2 If according to the proposal is required the arrangement of the common apartment's exploitation or of the business premises, the court especially will arrange which spaces the interested persons will exploit separately and which in common, and how it will be paid the exploitation of the spaces.

Article 194

194.1 If between the interested persons is litigious the right on the thing which is a proceeding object or is contentious the volume of right, the court will guide the proposer that within the deadline of 15 days to initiate the contentious process in the court or the administrative process in the states body with the purpose of deciding for the contentious right or report. During this deadline the contentious procedure remains interrupted.

194.2 If the proposer does not initiate the procedure in the deadline from the paragraph 1 of this article, it is considered that the proposal is withdrawn.

194.3 The court temporary, until the issue of the competent judgment can arrange the interested person's relationships concerning the administration and exploitation of the common thing, when this is required from the circumstances of the respective case, and especially with the purpose of the impediment of damage, arbitraries or the evident injustice for any of the interested persons.

194.4 The provisions of the paragraph 3 of this article will be applied even when the interested persons are co possessors of the thing, which have no evidence for the legal base for the profit of the possession.

Article 195

The interested persons have right that in the contentious procedure to realize their rights related to the thing for administration and exploitation of which is decided with a final judgment issued in this contentious procedure.

Article 196

196.1 The provisions of this law on the administration and the exploitation of the common things are applied also for the proprietors and possessors of the special parts of the buildings in the point of the administration and exploitation of the common parts of the building which serve to the building as a entirety or only some of the special parts of the building, in which case the interested persons are considered only the proprietors of such parts of the building, if with the reciprocal arraignment of their relationships are not touched the rights of the other buildings parts proprietors.

196.2 The relationships between the proprietors of the special parts of the building are arranged in accordance with the rights on the special parts of the building.

3) The separation of the things and the real estate in the joint ownership
Article 197

In this out contentious procedure on the separation (the partition) of the things and the real estate in the joint ownership the court decides for the separation and the way of separation of such things.

Article 198

198.1 The procedure of the separation of the thing and the real estate in joint ownership can initiate every of the co-proprietors with his proposal.

198.2 The presented proposal in the court has to include all the co-proprietors. The proposal should contain the data for the separation object, for the parts greatness and also for the other thing rights of every co-proprietor. For the real estate should be noticed the cadastre data and those from the real estate book. To the proposal should be attached the evidence on the right of property, the right of servitude and the other thing rights, and also on the real estate possession.

Article 199

The proposal for the separation of the things in joint ownership is presented to the court in the territory in which is located such a thing, and if it is located in the territory of some courts, then the proposal can be presented to any of such courts.

Article 200

200.1 If the court, acting according the proposal of one of the co-proprietors, ascertains that between the litigious co-proprietors is the right on the things which are objects of separation or the greatness of parts in the common things, respectively in the common estate, or when it ascertains that it is litigious circumstance that which things, respectively which rights are part of the common estate, then it will interrupt the procedure and it guides the proposer that within the deadline of 15 days with law-suit to initiate the contentious procedure.

200.2 If the proposer within the appointed deadline from the court does not draw a lawsuit, will be considered that it has withdrawn his proposal.

Article 201

The court after the arrival of the proposal it appoints a session in which it summons all the co-proprietors and the persons who on the partition of the object has any material right.

Article 202

If the co-proprietor or the persons who on the partition object have any material right,
During the matter's proceeding achieve a mutual agreement related to the conditions and the way of separation, the court it ascertains the achieved mutual agreement in the record as a judiciary mutual agreement.

Article 203

203.1 If the persons from the article 202 of this law does not achieve a mutual agreement related to the conditions and the way of the partition, the court will listen to them and will obtain evidences, and if necessary will appoint also the expertise, and according to the result of the entirety matter review, in accordance with respective material-legal provisions will issue the act judgment for the partition of things or real estate in the joint ownership. In the case of the judgment issue the court should take into consideration the judicial requests and interests of the co-proprietors and of the persons who in the partition object have any material right.

203.2 On the case of the judgment of which person does the appointed thing belong, the court especially should have into consideration the special need of the respective co-proprietor which can be a cause that the thing belong to this co-proprietor.

203.3 If the partition of the thing should be done by its sale, the sale will be permitted and done according to the provisions of the law for the bailiff procedure.

Article 204

204.1 The act judgment on the partition contains: the object, the conditions and the way of the partition, the data for the physic parts of the thing and for the rights which belonged to the co-proprietors, and also the rights and assignment of the co-proprietors ascertained by the partition.

204.2 With the act judgment for the partition the court will decide also for the way of realization of the servitude and other material rights in the parts of the thing that is physically divided between the co-proprietors.

Article 205

In the procedure of the arrangement of the landmarks (boundary stones) the court it arranges the landmark between the near by real estates when the signs of the landmark have been annihilated, damaged or moved.

Article 206

206.1 Proposal for arranging the boundaries between the parcels, adjacent stripes of the lands has the right to present in the court each owner respectively possessors of such parcels, and when then law foresees such a thing and authorized body can represent such a proposal.

206.2 Proposal must contain data for the owners, respectively possessors of adjacent stripes , for land stripes between which boundary must get arranged , with notes of such stripes from books of lands and cadastral books , reasons for which is initiate the procedure , also the litigious limitrophe surface value .

Article 207

207.1 After getting the proposal, court can convene session in a court in this will call participators with the aim to arrange boundary agreement.

207.2 If the participators do not achieve an agreement, the court will determine session in a event place in which except the participators will call and an expert of geodesy profession or of other respective profession, and according to need and proposed witnesses.

207.3 In calling letter for in the court hearing participators of procedure are instruct to bring all the documents, sketches and other important proofs for arranging the boundary.

207.4 In calling letter participators are warned for procedure consequences of not coming in determined session.

Article 208

If the procedure participator that has presented the proposal for arranging the boundary does not come in the session facing towards regular invitation, determined session will be maintained if one such thing proposes his opponent. If the proposer opponent does not propose to maintain the session in case of absence of the proposer, will be considered that the proposal is withdrawn.

Article 209

209.1 If between the procedure participators will show the contest related to boundary surface value of which does not pass value of small value contest in contentious procedure , court will determine boundary in rely of right with force ,if this is not impossible , than in possessing state of quiet end relying. If the contest can not be solved and in this manner, the court litigious surface will divide according to justice principle.

209.2 If the participators in procedure agree before, court can arrange boundary according to the cadastral plan in force.

209.3 The Court can arrange the boundary according to the priority right regardless of litigious limitrophe surface value, if the participators of the procedure make agreement for such a thing.

Article 210

If between the procedure participators exists the contest for limitrophe surface value of which passes value of small value contest in contentious procedure , and not arrive agreement in a meaning of paragraph 3 of article 209, of this law court will instruct the procedure initiator that with law-suit to initiate contentious procedure with the aim to solve contest. In this case out contentious procedure ends without merit judgment.

Article 211

211 1In the session for boundary arrangement court will determine boundary between participators land parcels in the event place and will notice with stable and visional borders marks.

211.2 Committed acts in session for boundary arranges it is made process verbal in which it is noted especially:

a) subscription of found state

b) content of procedure participators declaration,

c) declaration of expert and witnesses .

211.3 To the minutes is attached: sketch of fond state and sketch of created state with boundary arrangement.

Article 212

In judgment enacting clause for regularization of boundary court describes boundary between participators land parcels, relying on sketch of created state which is considerate part of a judgment.

Article 213

Court will not regularize boundary in building lands in which does not exist the right of property, except the case when it is not done land parceling according to law provisions with which is regulated spacious regularization.

Article 214

Settlement for boundary regularization which is reached in court session can be stroke by law-suit only if it is linked in error or under influence of violence or by deception of any of procedure participators.

4) Compensation fixing for expropriated real estate
Article 215

In the procedure of compensation fixing for expropriated real estate, court will fix amount of reward for expropriated real estate when the user of expropriation and previous owner in front of administrative competent body did not reach the agreement for compensation for expropriated real estate.

Article 216

216.1 If the participators in expropriation procedure do not reach agreement within the deadline of two months from the day in which judgment for expropriation has taken final form ,administrative competent body will send the final judgment for expropriation to the owner together with all procedural documents and proofs for paying offered amount for compensation, or for its depositing in the court in which territory is settled expropriated real estate , with the aim of compensation fixing.

216.2 Body from paragraph 1 of this article judgment for expropriation together with the procedural documents of competent court can send and after the deadline of two months if the declaration of ex owner ascertains that can not be reached agreement for compensation.

216.3 If the competent body does not act according to provisions from paragraph 1 of this article, ex owner has a right to be presented to the competent court directly with a request, to get fixation for expropriated real estate.

Article 217

217.1 Procedure for fixing the compensation for expropriated real estate competent court begins and develops according to official if it sends the matter from competent body that has committed expropriation. In contrary without initiative of ex owner of expropriated real estate does not begin the procedure of fixing the compensation.

217.2 Procedure from paragraph 1 of this article must be finished as soon as possible, and latest within the deadline of 30 days from day of its beginning in court.

Article 218

218.1 Court will determine court session in which will be given opportunity to its participators to declare for form and volume, respectively the height of compensation, also for proofs for expropriated real estate value, which will be taken according to official obligation.

218.2 In court session court will use and other proofs proposed by procedure participators, if it ascertain that are important for compensation fixing, and in case of need can be determined and proof taking by expertise .

Article 219

219.1 If the participators of the procedure made an agreement that the compensation for building or expropriated dwelling house to be fixed in form of giving other building or dwelling house, than by it side must be determined and the deadline for reciprocal obligations fulfilling.

219.2. If the deadline for fulfilling reciprocal obligation does not determine participators of agreement, than the court with the judgment for compensation fixing will determine deadline for transfer from expropriated building , respectively from dwelling house as particular part of dwelling as it is foreseen in law for real estate expropriation.

219.3. Provisions from paragraph 1 of this article in appropriate manner are implementing and for farmer, when according to agreement with expropriation user or according to his request, compensation for expropriated agricultural land has been fixed with giving in property other real estate.

Article 220

220.1 After ascertaining basic facts court gives judgment with which determines form and volume, respectively height of compensation for expropriated real estate.

220.2 If the procedure participators made an agreement for form and volume, respectively the height of compensation, court his judgment relies in their agreement, if it ascertain that the agreement is not contrary with provisions with which are regulated property relation of real estate things.

Article 221

Provisions for compensation fixing procedure for expropriate real estate in appropriate manner are implement and in other cases when to the previous owner according to law is accepted the compensation right for real estate thing in which has last the right of property or any other thing right .

Article 222

Procedure expenses for compensation fixing for expropriated real estate caries expropriation user, except expenses caused with not justifiable acts of the real estate previous owner.

CHAPTER V

Regulation of other out contentious matters

1) Drawing and confirmation of documents content

Article 223

223.1 In the procedure for drawing or confirmation of documents content, court draws and confirms document when for creating a right or valid juridical act is needed existing of public document .

223.2 In accordance with provision of paragraph 1 of this article is drawn and legal will.

Article 224

224.1 For drawing or confirming document of territorial competence is every court with concrete competence.

224.1 In cases foreseen by law document draws or confirms judge.

Article 225

Document is drawn in court, whereas out court when procedure participator is not in condition to come in court or when for this exist justifiable reasons.

Article 226

Before starting drawing document judge ascertains proposer's identity. When the judge does not know personally proposer, his identity ascertains by public document with photo or according to one witness declaration, whose identity ascertains by public document with photo.

Article 227

If the proposer does not know to read and write, or when he is mute or blind, or when he does not know court official language, draw of document is done in front of two witnesses of adult age which the judge knows personally or their identity ascertains by public documents with photo.

Article 228

228.1 If the proposer does not know language in which is drawn document, judge will draw document with participation of court interpreter.

228.2 If the proposer is blind – mute, judge will draw document with participation of interpreter which can talk with proposer

Article 229

Witnesses with case of drawing a document can be person's that can write and read and that know court official language and proposer language, and when proposer is mute witnesses must know to understand the proposer and vice versa .

Article 230

When ascertains that exists conditions from article 229 of this law, judge also must ascertain if exists free will for link of juridical act. Judge has for obligation to participators to explain the meaning of juridical act, to inform them with consequences of such act and to examine that if his aloud, respectively that is not in contrary with obligated provisions.

Article 231

231.1 If the judge ascertains that are not fulfilled conditions from article 230 of this law, then he with judgment will refuse document draw.

Article 232

232.1 For drawing the document is maintained process verbal in which is shown and a manner in which is ascertained identity of participator, witness and of interpreter that has been present in case of document drawing

232.2 Process verbal will sign participators and witnesses. To process verbal are followed on copy of drawn and signed document.

Article 233

233.1 When must be drawn legal will when in case of its drawing can not be witnesses:

a) descendant of devisor,

b) his adoptive and their descendant ,

c) his predecessors ,including grandparents and their first step descendant ,

d) their cousins in indirect line till the third step ,

e) spouses or wives of all this persons,

f) spouse or wife of devisor.

233.2 Provision of paragraph 1of this article are implemented in appropriate manner and relate to judge interpreter.

Article 234

234.1 When you listen to devisor, judge his declaration will notice faithfully in a record, possible with words of devisor, by being careful with that case that devisors will expresses in a clear manner.

234.2 In a record will be noticed and all the circumstances that could be important for validity of the will. When this is necessary, judge will explain to the devisor law provisions that limit possession with his property by the will.

Article 235

After devisor reads by his self record of legal will and declares that his last will is noticed in a faithful manner, judge this will prove in the self will.

Article 236

236.1 If the will is drawn in the presence of two witnesses because the devisor can not read, judge will read to him the will and than the devisor, after declares that this is his will, in a presence of witnesses will sign or will put index finger mark.

236.2 If the devisor does not know the language that is in official using in a court or is mute or is deaf, judge by judge interpreter will read the will, whereas the devisor throw the interpreter will give declaration that the will is his.

236.3 Witnesses must be signed in self will, and a judge in self will ascertain that there are committed all mentioned acts in this article.

Article 237

237.1 If the record for drawing the will is contained from some pages this will be imbued by yarn and both of the corners will be stamped with the court stamp.

237.2 Each of record page devisor will sign one by one respectively on this will put the mark of index finger. In the end of record will be told from how many pages is contained the will.

Article 238

If the will is drawn in the court in which territory the devisor has not a dwelling court has for obligation to inform immediately the court in which territory has he a dwelling

Article 239

239.1 If the devisor revokes his will, than related to will revocation in appropriate manner will be implemented provisions for drawing a will.

239.2 Will revocation will be noticed in self will which is saved in the court.

Article 240

240.1 Court does the confirmation of the document content when such a thing is foreseen by law.

240.2 Confirmation of documents content is done in self document with the assignment of judge and by putting court stamp in the document.

240.3 After it is done confirmation of document content, court will give to participator original exemplar of confirmed document.

2) Documents saving
Article 241

Court has for obligation to accept determined document for saving when this is foreseen expressively by law for fixed type of documents or when such a thing is necessary for determined property rights insurance or for the rights of other character.

Article 242

Document can be delivered for saving to any court of matter competence, with condition to be ascertained the identity of submitter according to provisions of article 226 of this article.

Article 243

243.1 For document acceptation for saving draws a record in which is ascertained saving document submitter identity, type and title of accepted document for saving.

243.2 Accepted document for saving is inserted in a special spooling, it is stamped and it is saved separately from other documents.

Article 244

244.1 When is delivered to the court testament for saving that is not drawn in a court devisor delivers personally to the court in opened or closed envelope .

244.2 When is delivered for saving opened testament, court will read to the it to the devisor and will send eventual defects for which testament would be not valuable.

Article 245

245.1 If the witnesses of oral testament has presented to the court a writ that contains the will of devisor, court acceptation of such case will ascertain in a record, will insert it in a special and will stamp it.

245.2 In foreseen manner in article 243 of this law court will act and when the witnesses of oral testament come to the court to repeat orally declaration of devisor.

245.3 After receiving the witness's declaration the court will attempt to ascertain expressed will of devisor and circumstances from which depends validity of oral testament.

Article 246

After accepts document for saving, its deliver court will issue confirmation in which is written for which document is the matter.

Article 247

If the document for testament, except the judge testament , is delivered for saving to the court in which territory devisor has not his dwelling , court has for obligation to inform immediately for this the court in which territory the devisor has his dwelling.

Article 248

248.1 Document which is for saving in the court, will be send back to the document submitter by his request, or will be send to his representative with confirmed proxy. From the representative proxy must be seen that has to do for authorization for drawing the document left for saving in the court.

248.2 For document return will be drawn record in which will be written manner in which is ascertained person identity to which is return the document. If the document is returned to representative with proxy, proxy will be followed to record and will be saved in matter file.

3) Annulment (amortization) of the document
Article 249

249.1 In the procedure for annulling the document of place in which is relied directly any material right and possession of which is needed for realizing of such right, will be announced that document has lost his validity if it is stolen, burned or in any manner is lost or annulled, except when by law is forbidden annulment of such document.

249.2 Under conditions of paragraph 1 of this law can be annulled and the document in whish is relied any nonmaterial, when does not exists data according to which competent body can issue duplicate of such document.

Article 250

250.1 For the proposal for annulment of issued document from administrative body, or from juridical person, decides court in which is residence of document issuer.

250.2 For the proposal for document annulment, when in the document is mentioned place of obligations fulfilling.

250.3 If for the proposals from paragraph 1 and 2 of this article competent court can not be determined, than for the proposal for annulment of document decides court in which territory is residence, or dwelling or place station of a proposer.

Article 251

251.1 Proposal for document annulment can present every person that according to such document is authorized to realize any right or has a juridical interest of annulment of disappeared document.

251.2 Proposal for document annulment has to contain:

a) type of document,

b) name and residence or name and surname and dwelling of document giver,

c) obligation amount,

d) place and issue date of the document,

e) place of obligation fulfilling ,

f) is it document given in name or according to bringer, or according to order,

g) facts from which comes that poroposer is authorized to submit the propose.

h) facts from which comes believability that the document is disappeared or annulled .

251.3 To proposal for document annulment is followed, if exists, copy of document.

251.4 With one only proposal can be requested annulment of some documents with condition that the same court is of territorial competence.

Article 252

252.1 If with occasion of preliminary investigation of the proposal from article 251 of this law, court ascertains that are not fulfilled presumption for procedure initiation, proposal will be disallowed by judgment.

252.2 If it does not disallow the proposal, court will order the giver of document and creditor that within the determined deadline to give a declaration if it was issued the document whose annulment has requested proposer and if exists and which obstacles exists for further procedure development.

Article 253

253.1 After reach of person's declaration from paragraph 2 of article 251 of this law, court by announcement publishes initiation of procedure for document annulment.

253.2 Announcement contains especially:

a) basic document elements necessary for his identification,

b) deadline within which can be presented notification or impeachments against the proposal,

c) summon to have the document presented to court or to be notified court for the person and dwelling of person that keeps document,

d) premonition that the document will be annulled judicially if within the deadline is not presented to court together with document, or does not do impeachment against proposal for annulment of the document,

e) premonition that the debtor according to this document can not fulfill in a valid manner his obligation ,can not renew or replace the document, can not issue counterfoil or new tickets,

f) also the notification that the possessor can not pass the rights of this document.

Article 254

254.1 Announcement from article 253 of this law will be delivered to all interested persons and will be noticed in the court table and once will be published with costs of proposer in “Kosovo official newspaper” or in other appropriate manner.

254.2 Deadline announcement begin from the day of announcement publication .If the announcement is published in both manners from paragraph 1 of this article, than announcement deadline begins from the day of her publication in a newspaper in which is published later.

Article 255

255.1 Debtor can not fulfill the obligation from the document annulment of which is proposed, can not change, renew or to pass it in other person or to issue for him counterfoils or new tickets from the moment when is delivered to him announcement, or when in any manner has been informed for procedure initiation for document annulment.

255.2 Inhibition from paragraph 1 of this article lasts till the judgment for document annulment or for procedure termination is final. Debtor can be released from an obligation if he pays the debt amount in court deposit.

Article 256

256.1 Debtor has power to keep document whose annulment is requested, if he is presented with the purpose of obligation fulfilling, or if he is in his hand in any other manner.

256.2 Debtor has for obligation that the document which is in his hand in any manner immediately to deliver it to the court at which is being developed procedure for annulment, telling name and address of a person which delivered to him document .

Article 257

Court will impede procedure for annulment of document if the proposer withdraw proposal or if the proposer within determined deadline from court does not deposit in court deposit needed amount for publication of announcement or if the third person delivers to court document or proof from which is seen that exist document whose annulment has requested proposer.

Article 258

Before giving a judgment court has for obligation to inform proposer for every announcement from third person and that with time is done such announcement.

Article 259

When the court ascertains that are fulfilled conditions for procedure further development, then the court after expiry of announcement deadline , appoints session and calls proposer , document giver, debtor from the document and old person’s that are presented to the court or have done impeachment against proposal for document annulment .

Article 260

260.1 After kept session and according to result of matter investigation court gives a judgment with which accepts proposal and annuls document or refuses proposal as baseless.

260.2 Judgment for document annulment contains data for document issuer (giver) and for proposer, also document essential elements, telling amount of obligation if it has to do with obligation fulfilling in money.

260.3 Judgment is delivered to all interested persons.

Article 261

261.1 Against the judgment with which the proposal for document annulment is disallowed or is refused or with which is stopped proceeding complaint can present only proposer.

261.2 Against the judgment for document annulment complaint can present document issuer and debtor from such document also the authorized person by document, if is not proposer.

Article 262

262.1 Final judgment with which is annulled document substitutes annulled document till is not issued new document.

262.2 According to final judgment for document annulment, proposer can realize from debtor all the rights that are comings from such document, or which belongs to, according to him, and can request that with his expenses to have issued new document by delivering to his issuer judgment for annulment.

4) Judicial deposit
Article 263

263.1 In judicial deposit can be delivered the money, bonds and other documents that can be transformed in money, precious metals, and things will big value and things created from precious metal, when this is foreseen by law or by other juridical provisions.

263.2 Court has for obligation to accept in deposit and other things when is appointed by law that the debtor a thing that owns can deposit at court for creditor.

Article 264

Things from article 263 of this law can be delivered to every court of competent matter. Such things are delivered to court in place of fulfilling obligation except if reasons of economize or character of juridical act asks that to be deposited in a locality court in which is the thing, and can be delivered and in the other court when this is appointed by law.

Article 265

265.1 .Proposal for thing delivering contains thing description, its value, reasons why is delivered, name and surname of a person in which utility is delivered, also the conditions under which is thing delivered.

265.2 By the proposal can be proposed and respective means of evidence.

Article 266

Court will refuse by judgment the proposal if estimates that are not fulfilled conditions for a thing acceptation in deposit or if the proposer within the deadline of 15 days does not prepaid expenses of thing saving.

Article 267

If the court does not refuse proposal, it gives a judgment for acceptation of things or money in a judicial deposit, and appoints manner of their saving.

Article 268

If the depositing is done in utility of an appointed person, court will call this person that within the deadline of 15 days to take the thing from deposit, if he fulfills appointed conditions for his it taking.

Article 269

269.1 If object of deposit are money or foreign currency, court has for obligation that within the deadline of three days from day of money acceptation, respectively of foreign currency deposits in a special

account in bank of payment operations or in the other authorized bank, if with particular provisions is nit foreseen differently.

269.2 Precious metals, things made by precious metals and other precious things also the bonds, court within the deadline of three days will deliver to authorized bank, if by special provisions is not foreseen differently.

Article 270

270.1 Other things that can not be saved in a court deposit, court by a proposal of party will appoint to be saved in a public store or at any other person that deals with things saving.

270.2 Before delivering things deposited for saving to the public store or to the other person court will do a stock-taking and estimation of thing and for this will draw a report.

Article 271

Before bringing a judgment for thing acceptation in deposit court will order the party to pay an amount of money to cover expenses for saving and administration with deposited things.

Article 272

272.1 If the person on utility of which is deposited thing declares that does not accept it, court for this will inform party that has deposited thing and will request from him that within the deadline, to declare related to created circumstance.

272.2 If the person in utility of which is accepted thing in court deposit will not take it within the deadline of 15 days, court by judgment will call depositor to take deposited thing.

272.3 Accepted things in a court deposit are gifted to authorized person by court judgment that has done their acceptation in court deposit.

Article 273

In cases in which in court deposit are delivered things for which depositor does not know to which person should be delivered, or does not know that which from more deposited things should be delivered to authorized person, court will appoint a session in which will call depositor and all interested persons with a purpose of agreement that to which person belongs deposited thing.

Article 274

274.1 If authorized persons invited from the court regularly do not come in the court session or if they come in the session but can not made an agreement that to whom will belong deposited thing, court with the judgment will instruct them that in contentious procedure realize the right to get the deposited thing.

274.2 In the judgment for instruction in the contentious procedure, court appoints deadline for writ of summons. For this the court of out contentious matter will inform the party that has deposited appointed thing.

274.3 If it is initiated contentious procedure, than the court of out contentious matter will interrupt out contentious procedure and will wait to be gift final judgment.

274.4 If it is not initiated contentious procedure within the appointed deadline court by judgment will invite party that has deposited thing with a purpose to take it from deposit.

Article 275

Judgment with which is appointed gift of one thing from court deposit has to contain:

a) in which according to law is name and surname of authorized person for taking thing from deposit,

b) than the manner, deadline and conditions to take deposited things,

c) also the premonition for judicial consequences if they are not taken within the appointed deadline from a court, or within the deadline prescript the right for taking the deposited things.

Article 276

By judgment with which are appointed deposited things gift are appoint created expenses related to their saving and administration also the obligator for their payment.

Article 277

Deposited things appointed saver from a court can give to authorized person only according to court judgment and in manner appointed by court.

Article 278

If the person in utility of which is accepted any thing in court deposit or depositor, that is invited regularly to take a deposited thing, does not take it within the deadline of one year from the day on which is delivered to him calling letter, court by judgment will ascertain that such thing is been done property of state, respectively the right of possession of it belongs to commune in which territory is settled court residence.

Article 279

279.1 Thing which according to final judgment from article 278 of this law is done state property is delivered to commune in which territory is settled court residence in which it is deposited.

279.2 For delivering of thing from paragraph 1 of this article court draws a report.

V. Transitive and last provisions
Article 280

If before beginning of implementation of this law is given judgment with which has terminated first step procedure, than further procedure will be developed according to provisions of this law.

Article 281

In day on which enters in power this law fall terminates implementation of law for out contentious procedure (“Official newspaper KSAK “nr. 42/86).

Article 282

This law enters into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No.03/L-007
20 November 2008

Promulgated by the Decree No. DL-068-2008, dated 13.12.2008, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.