

Inheritance Application

Category: Procedures

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Written by EPN

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If a Small Farmer, owner or usufructuary of a rustic farm dies, those family members with a subsidiary degree, who consider themselves entitled to be recognized heirs as established by Decree-Law No. 125/91, must appear within 90 days after death to claim their possible rights and a File is prepared that must contain the following documents:

- Affidavit, with a stamp of \$ 5.00 MN, stating the existence or not of other possible heirs and their address.
- Death certificate of the deceased.
- Birth certificate of all possible heirs, those registered in their own right are not admitted, or their data does not coincide with those of the deceased.
- Marriage certificate issued by the Registry of Civil Status.
- Appraisal and inventory of the land, agricultural goods and benefactions issued by the person in charge of this process.
- Soil category certificate.
- Criterion of the Director of the agricultural company or legal person on the process if necessary.
- Cadastre Certificate.
- Criteria of the President of the Municipal ANAP.
- Bank certification of possible debts.
- Criterion of the Board of Directors of the CCS.
- Legal Opinion of the Provincial and Municipal Director of Land Control and the Head of the Legal Department.
- If there is a contradiction between the agrarian authorities, submit the case for the consideration of the Provincial Commission of Agrarian Affairs and incorporate the Record, with all the analyzes carried out, into the File, and the discordant parties cannot be absent.
- Results of the investigations carried out.
- Statement of witnesses made before a public official.
- Proof of communication of the process to all the presumed heirs, who, when presented in writing, will accompany a stamp of \$ 5.00 MN.
- Criterion of the Delegate or the Director of Agriculture in the Municipality.
- The representations will be by contract of the Services of the Collective Firm, the consultants will present a resolution of the Minister of Justice that authorizes it.
- Resolution of the Delegate or Provincial Director of the Ministry of Agriculture, no request will be admitted on the part of a co-owner who is alive, nor will any pronouncement be made on it, unless this condition is ratified.
- Proof of notification to all parties (who notifies, the date and name of the notified).

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- The Registry File must be foliated, indexed, bartacked and, in addition, have the procedure sheet updated.
- Proof of payment at ONAT.
- Registration Act.
- When the usufructuary dies, the inheritance adjudication file of the agricultural property that was owned and in the possession of the deceased is prepared, which will be awarded to the person who meets the requirements established in article 18 of Decree-Law No. 125 / 91, if there are no heirs with the right to inherit, they are transferred to the state patrimony.

The usufructuary who receives the agricultural goods will be obliged to indemnify the proportional value that would correspond to the one who does not receive the land in usufruct and meets the requirements of said article 18.