

This is a translation of the

## Loi (1862) relative au partage d'héritages

(Chapter 04.660)

as in force on 1 January 2019

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## LAW (1862) RELATING TO THE PARTITION OF HERITABLE PROPERTY

**A LAW** relating to the Partition of Heritable Property<sup>1</sup> of a deceased person, and to hypothecs on such property.

### Article 3

Where a person has a debt or other claim against the estate of a deceased person who has left heritable property, and the debt or claim has not been pursued against the deceased and registered in the Book of Obligations, the person must, in order to conserve a *garantie* on the property belonging to the deceased, institute proceedings against the heir, within a year and a day of the death of the debtor and have the Act of the Royal Court registered in the Book of Obligations, on pain of losing his or her *garantie* on the property in that estate, and his or her claim being deemed to rank as an unsecured debt against the heirs.

### Article 5

Where the heir has obtained benefit of inventory, the claim of the creditor must be made within 18 months of the date of the Act of the Royal Court granting benefit of inventory.

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<sup>1</sup> *Partage d'héritages*: the French word '*partage*' was used alone, in practice, to describe the process by which land was divided among heirs where there was no will. Since 1993 property automatically devolves on the heirs in such cases under Article 4 of the Wills and Successions (Jersey) Law 1993.