

Considerations on Inheritance Law in Brazil.

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Initially, it is important to highlight the difference between heir and sharecropper, institutes that are not always clear to non-lawyers.

An heir is someone who has the right to receive assets left by someone who has died. The successor of the deceased Shareholder is the one who owns half of the deceased's assets, not due to death, but due to the property regime adopted when the two joined together.

Having made these comments, the following are considerations about inheritance and sharecropping in the property regimes chosen by the couple:

- universal community of assets: the full assets raised by the couple, before and after the union, are common. Everything belongs to both, so each one owns fifty percent of the other's assets. They are sharecroppers in all the assets. If there are children from this marriage, each one will inherit, in equal shares, fifty percent of the deceased's assets.
 - partial community of assets: the assets common to the couple are only those acquired during the marriage. In the event of death, the surviving spouse will be the sharecropper of the deceased and may inherit, together with the children, the so-called private assets, that is, those acquired by the deceased before the marriage.
 - total separation of assets: no assets are shared between the spouses, except when they are acquired jointly. There is no sharecropping. However, the surviving spouse will compete for their share with their descendants in the inheritance of the deceased. If there are no descendants, it will compete with the ascendants. If there are no descendants or ascendants, he/she will inherit all the assets left by the deceased.
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