FROM THE IUSTORIA BLOG

A Loved One Has Died: What to Do in the First Weeks and What to Leave Alone

> *Death certificate, funeral, notary, bank accounts, the rented flat, the car and the business. What has to be done in time, what happens by itself and what to leave alone until probate ends.*

IUSTORIA TEAM

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After a death in the family, we see two opposite mistakes at our firm. Some people want to get everything over with quickly: they withdraw the money from the account, sell the car, clear the flat into a skip and give the old furniture away to the neighbours. Others wait for the notary to get in touch, and in the meantime miss the one-month time limit for the tenancy or the three-month time limit for the trade licence. Either is hard to put right later.

Most of what has to happen after a death needs nobody to set it in motion; it gets going on its own. A few time limits, however, run from the death itself, and nobody will remind you of them. We go through what needs doing in the first weeks, what can wait for the notary and what you are better off not touching until the probate proceedings are over.

The first days: death certificate and funeral

The death is entered in the register of deaths by the register office (*matriční úřad*) for the area where the person died (Section 10(1) of the Czech Registers Act). It is based on the report of the examination of the body (*list o prohlídce zemřelého*), and the healthcare facility must report the death to the register office within 3 working days of the examination (Section 21(2) and (3)). The register office issues the death certificate to anyone who lived with the deceased in a common household, to the person arranging the funeral, or to anyone who shows a legal interest (Section 25(5)). The bank, the insurer, the landlord and the authorities will all want to see it, so it is worth keeping several officially certified copies to hand.

Decisions about the funeral are governed first and foremost by the wishes of the deceased. If they left no express decision, the spouse decides, followed by the children, the parents, and the siblings and their children (Section 114(1) of the Czech Civil Code). Funeral costs are paid from the estate (Section 114(2)) and are one of its liabilities (Section 171(2)(b) of the Czech Act on Special Court Proceedings). If you pay for the funeral yourself, report the costs to the notary as a debt of the estate and keep both the invoice and proof of payment. If there is enough in the estate, you will get your money back.

You do not have to arrange the funeral. If nobody arranges it within 96 hours of the death being reported, the municipality in whose territory the person died provides a decent funeral and lodges its costs as a liability of the estate (Section 5(1) and (5) of the Czech Funeral Services Act). For children who had not spoken to their parent for years, this leaves only one risk: if they pay for the funeral themselves and the estate is over-indebted, they may never see the money again. If the deceased left only assets of negligible value, the court hands them over to whoever took care of the funeral, provided that person agrees, and discontinues the proceedings (Section 154(1) of the Act on Special Court Proceedings).

In most cases there is no entitlement to a contribution from the state. The funeral allowance (*pohřebné*) of CZK 5,000 is paid only to someone who arranged the funeral of a dependent child or of a parent of a dependent child (Sections 47 and 48 of the Czech State Social Support Act).

Probate gets under way without you

You do not have to file anything. The register office sends a copy of the death certificate to the court (Section 82(2) of the Registers Act), and the court opens the probate proceedings (*řízení o pozůstalosti*) on its own as soon as it learns of the death (Section 138(2) of the Act on Special Court Proceedings). The competent court is the one for the deceased's last permanent residence (Section 98(1)), and the steps on its behalf are carried out by a notary acting as court commissioner (*soudní komisař*; Section 100(1)). The notary will usually get in touch with you. If it drags on, ask the court which notary the case has been assigned to.

Until the court confirms the inheritance, the estate is administered by the heirs themselves, and if there are several of them, by all of them jointly, unless the deceased appointed an estate administrator or an executor of the will (Section 1677(1) of the Civil Code). So wherever this article mentions the person administering the estate, that will usually be you. You may only carry out simple administration: look after the assets, pay necessary expenses and sell nothing (Section 1678(1)).

The notary checks the registers to find out whether the deceased left a will (Section 140 of the Act on Special Court Proceedings). Anyone who has a will or another important document at home must hand it over when asked (Section 141(2)). You will save the most work by bringing a list of what you know to the first meeting: accounts, real estate, cars, shares in companies, insurance policies, loans, leases and contact details for relatives.

From the moment the court informs you, two one-month time limits run: one to disclaim the inheritance (*odmítnutí dědictví*; Section 1487(1) of the Civil Code) and one to make an inventory reservation (*výhrada soupisu*; Section 1675). Without an inventory reservation, the heir pays the deceased's debts in full, even out of their own pocket (Section 1704). When it pays to disclaim an inheritance, what counts as accepting it and what to do with an over-indebted estate are covered in our article "You Only Inherit Debts up to the Value of the Estate": True Only with an Inventory Reservation.

Until the inheritance is confirmed, creditors can enforce the deceased's debts only against the person administering the estate, and only from the assets in the estate (Section 1703). So do not pay reminders addressed to the family out of your own pocket while you still do not know what the estate contains; pass them on to the notary. How heirs are liable for debts and how creditors proceed is described in our guide for creditors whose debtor has died (in Czech).

Accounts, powers of attorney and money that is not part of the estate

A power of attorney ends on the death of the principal, unless something else was agreed (Section 448(1) of the Civil Code). With a power of attorney from your late parent, you will therefore no longer get anything done at a government office. For a bank account the default rule is the opposite: authority over the account does not end on the account holder's death unless the authorisation provides otherwise (Section 2664). What matters, then, is what the authorisation and the account agreement say. Nor is the account closed by the death. The bank stops

only those payments that the holder specified should not continue after their death (Section 2666). It is for whoever administers the estate to inform the bank of the death (Section 160(b) of the Act on Special Court Proceedings).

The fact that the bank technically lets you make a withdrawal does not mean the money is yours. It belongs to the estate. Whatever you withdraw from the account for yourself, you must give back (Section 2991 of the Civil Code). If the deceased was married, the court will also settle the spouses' community property (*společné jmění manželů*) in the proceedings (Section 162 of the Act on Special Court Proceedings). Part of the money in the surviving spouse's own account can therefore end up in the settlement as well.

Some money goes directly to specified survivors, outside the probate proceedings:

- **Unpaid wages.** An employee's wage and salary entitlements, up to three times their average monthly earnings, pass in turn to the spouse or registered partner, the children and the parents who lived with them in a common household (Section 328(1) of the Czech Labour Code).
- **Unpaid pension.** Pension instalments that fell due but had not been paid by the date of death go to the spouse and, after the spouse, to the children; they do not form part of the inheritance (Section 63(2) and (3) of the Czech Pension Insurance Act).
- **Life insurance.** The insurance benefit goes to the person the insured named as beneficiary. If they named no one, the right passes to the spouse, then to the children, then to the parents, and only if there are none of these, to the heirs (Section 2831 of the Civil Code). The insured event must be reported to the insurer without undue delay (Section 2796).

A widow's or widower's pension is paid for one year from the spouse's death, and longer if the statutory conditions are met (Section 50 of the Pension Insurance Act). Apply for it, and if there are dependent children in the family, apply for an orphan's pension as well (Section 52). If your loved one died in an accident, in an accident at work or because of a doctor's error, the survivors have their own claim against the person responsible for monetary compensation for mental suffering (Section 2959 of the Civil Code); our guide for bereaved relatives (in Czech) describes it in detail.

The flat: a tenancy does not end with death

If the spouses were joint tenants of the flat in which they had their family home, the surviving spouse remains the tenant (Section 766(1) of the Civil Code). Spouses become joint tenants automatically unless they have agreed otherwise (Section 745).

Otherwise the tenancy passes to a member of the household who lived in the flat on the day of the tenant's death and has no flat of their own. For a spouse, registered partner, parent, sibling, son-in-law, daughter-in-law, child or grandchild, the landlord's consent is not required; for anyone else it is (Section 2279(1)). A tenancy that has passed in this way ends after two years at the latest. That does not apply to anyone who was at least 70 years old on the day it passed. For a minor, the tenancy ends at the latest on the day they turn 20 (Section 2279(2)). If you

do not want to continue the tenancy, you must notify the landlord in writing **within one month of the tenant's death** (Section 2279(4)). Otherwise you remain the tenant, along with the obligation to pay rent. If the deceased had not paid a security deposit, the landlord may ask the new tenant for one (Section 2281(1)).

If the tenancy does not pass to anyone in the household, it passes to the heir. Those who lived with the deceased until their death are jointly and severally liable with the heir for any rent the deceased left unpaid (Section 2282). The landlord and the heir may then each terminate the tenancy without giving reasons, with two months' notice, within three months of learning of the tenant's death and the other relevant facts; the heir no later than six months after the tenant's death (Section 2283). With a cooperative flat, both the membership of the housing co-operative and the tenancy pass to the heir who receives the membership share (Section 2279(5)).

The car, the trade licence and the company

The car. The deceased remains entered in the vehicle register until the end of the proceedings. The heir applies for the change of owner to be registered within 10 working days of the court's decision in the probate proceedings becoming final (Section 8(2) of the Czech Act on the Conditions for the Operation of Vehicles on Roads). The procedure and the documents required are set out in our guide to transferring a car (in Czech). Selling the car before then is not straightforward. Both an estate administrator and an heir who administers the estate may only carry out simple administration (Section 1678(1) of the Civil Code). An asset that cannot be kept without the risk of damage or disproportionate cost is sold with the court's consent (Section 160(a) of the Act on Special Court Proceedings). An heir whose right of inheritance is clearly established may be allowed by the court to deal freely with certain assets before the proceedings end (Section 1680 of the Civil Code).

The trade licence. If a sole trader dies, the business may be carried on until the end of the probate proceedings by, among others, their heirs or a surviving spouse who co-owns the assets used in the business. They must, however, notify the trade licensing office (*živnostenský úřad*) **within 3 months of the date of death**; otherwise the trade licence lapses as of the date of death (Section 13(1) and (2) of the Czech Trade Licensing Act). The employees depend on this too. When an employer who is a natural person dies, the employment ends, unless the business is carried on. If no one intends to carry on the business, the employment ends once 3 months have passed from the date of death (Section 342(1) of the Labour Code). The regional branch of the Labour Office then issues employees with a certificate of employment on request (Section 342(2)). Within the same three-month period, whoever administers the estate must file a tax return (*daňové tvrzení*) on behalf of the deceased for the part of the year before their death. This time limit cannot be extended (Section 239b(4) of the Czech Tax Procedure Code). A second return, for the period from the death to the end of the proceedings, is filed within 30 days of the end of the probate proceedings (Section 239b(5)).

A limited liability company. A deceased shareholder's interest passes to the heirs, unless the articles of association prohibit or restrict this (Section 42(1) of the Czech Business Corporations Act). So the first thing to do is to open the articles of association. If the heirs cannot agree on how to vote the interest during the proceedings, the court will, at the request of the company or of an heir, appoint an administrator who exercises all the rights attached to it (Section 42(2)). If the deceased was the sole managing director (*jednatel*), there is nobody to repre-

sent the company. The court appoints the missing managing director at the request of anyone who shows a legal interest, and otherwise a guardian (*opatrovník*) for the company (Section 165(1) of the Civil Code). The court may also appoint an estate administrator if there is a serious reason to do so (Section 157(1) of the Act on Special Court Proceedings). A company that has wages and suppliers to pay usually has such a reason. Tell the notary at the very beginning.

What not to do in the first weeks

Until the proceedings are over, simply look after the deceased's assets. Do not sell them, give them away or throw them out. Assets may be disposed of from the estate only where this is needed to preserve its value (Section 1679(1) of the Civil Code). And disputes with the other heirs are not the only risk.

Do not withdraw money from the deceased's account or sell off their belongings until you know whether the estate is over-indebted. A disclaimer of the inheritance is disregarded if the heir has already shown by their conduct that they want to accept the inheritance (Section 1489(2) of the Civil Code). By dealing with the assets as if they were your own, you can close off the surest way of avoiding the deceased's debts. If an heir takes over full administration of the estate without authority, or mixes its money with their own, the effects of the inventory reservation are cancelled as well (Section 1681(1)). What counts as accepting an inheritance is described in our article [“You Only Inherit Debts up to the Value of the Estate”: True Only with an Inventory Reservation](/en/blog/inherited-debts-and-the-inventory-reservation/).
We also recommend the following:

- **Do not sign an acknowledgment of debt or a repayment plan** with creditors on behalf of the deceased. Until the inheritance is confirmed, creditors should deal with the person administering the estate.
- **Do not throw away paperwork.** Statements, contracts, invoices and letters from the bank show what the estate contains and what debts there are.
- **Do not clear the flat without agreeing it with the other heirs.** Before you take anything away, photograph the contents and make a list.
- **Do not use the deceased's payment card**, not even for household shopping.

Within a week of the funeral, write down what you know about the deceased's assets and debts, and give the list to the notary together with the funeral invoice. Funeral costs are paid from the estate.
Living in the deceased's rented flat? Decide within a month of the death whether you want to continue the tenancy. If not, notify the landlord in writing, with proof of delivery.
Was the deceased a sole trader? If you want to carry on the business, notify the trade licensing office within three months of the death. Within the same time limit, which nobody will extend, file a tax return on behalf of the deceased.

At a glance

Question	Answer	Provision
Who starts the probate proceedings	The court on its own; the steps are carried out by a notary	Section 138(2) and Section 100 of the Act on Special Court Proceedings
Who pays for the funeral	The estate; if that is not enough, the heir	Section 114(2) and Section 1701(2) of the Civil Code
Is a power of attorney valid after death	No, unless otherwise agreed; authority over an account is, unless it provides otherwise	Section 448(1) and Section 2664 of the Civil Code
Deadline for disclaiming the inheritance	One month from notification by the court; three months if the heir's only residence is abroad	Section 1487(1) of the Civil Code
Tenancy of a flat after the tenant's death	Passes to a household member with no flat of their own; to decline, notify in writing within a month	Section 2279 of the Civil Code
Carrying on the trade	Notify the trade licensing office within 3 months of the death	Section 13(2) of the Trade Licensing Act
Tax return for the deceased	Within 3 months of the death; the time limit cannot be extended	Section 239b(4) of the Tax Procedure Code
Re-registering the car	Within 10 working days of the probate decision becoming final	Section 8(2) of Act No. 56/2001 Coll.

Has someone close to you died, and you don't know whether to accept the inheritance or what to do with their flat or company? We will go through with you what the estate contains, which time limits are running and how to proceed before the notary, so that the inheritance does not turn into a dispute. We handle inheritance matters as part of our civil law practice. Get in touch.

Conclusion

Above all, keep an eye on the time limits that run from the death: one month for the tenancy of a flat and, if the deceased ran a business as a sole trader, three months for the trade licence and for taxes. Once the court informs you, another month starts running to disclaim the inheritance or make an inventory reservation; when to use which option is discussed in our article "You Only Inherit Debts up to the Value of the Estate": True Only with an Inventory Reservation. Until the proceedings end, do not sell, withdraw or give away anything belonging to the deceased.

What to do if you have inherited a house or flat together with other relatives is described in our guide for co-heirs (in Czech). An inheritance is exempt from income tax (Section 4a(a) of the Czech Income Tax Act); the tax side of inheritances and gifts is explained on our page on gifts and inheritance (in Czech).

Sources

- Act No. 89/2012 Coll., the Civil Code, Sections 114, 165, 448, 745, 766, 1487, 1489, 1675, 1677 to 1681, 1701, 1703, 1704, 2279, 2281 to 2283, 2664, 2666, 2796, 2831, 2959 and 2991 (as in force on 1 January 2026).
- Act No. 292/2013 Coll., on Special Court Proceedings, Sections 98, 100, 138, 140, 141, 154, 157, 160, 162 and 171 (as in force on 1 November 2026).
- Act No. 301/2000 Coll., on Registers, Names and Surnames, Sections 10, 21, 25 and 82.
- Act No. 256/2001 Coll., on Funeral Services, Section 5.
- Act No. 117/1995 Coll., on State Social Support, Sections 47 and 48.
- Act No. 155/1995 Coll., on Pension Insurance, Sections 50, 52 and 63.
- Act No. 262/2006 Coll., the Labour Code, Sections 328 and 342.
- Act No. 455/1991 Coll., the Trade Licensing Act, Section 13.
- Act No. 280/2009 Coll., the Tax Procedure Code, Section 239b.
- Act No. 90/2012 Coll., on Business Corporations, Section 42.
- Act No. 586/1992 Coll., on Income Taxes, Section 4a.
- Act No. 56/2001 Coll., on the Conditions for the Operation of Vehicles on Roads, Section 8.

This article is for information only and does not constitute legal advice. It reflects the law as at the date of publication; in a specific probate case, the procedure follows the notary's instructions and the time limits stated in the court's notification.

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