Abstract

Abstract: The legitime is, probably, one of the most characteristic institutions in our law. However, in spite of its existence with other forced shares, Chilean juridical system grants decedent a relative freedom to dispose mortis causa of his goods. Nevertheless, there are several different methods to violate integrity of the legitime, in order to obtain more dispositive freedom for the decedent, being one of the more common ways to grant a legacy to a third person beyond the share of goods the decedent can freely dispose. Solving this collision between the forced heir and the specific legatee’s rights is the object of the present study, analyzing the forced heir’s actions to demand the fulfillment of the legal rules that benefits them, and the rights and obligations legatees have to the heir community.

Keywords

forced heirship, legacy, heir, forced shares, forced heir, legatee