Article shall respectively apply with the necessary modifications.

Article 890. The spouse of a person succeeded to becomes, in every case, a successor. In the case, if there is any person who is to become a successor in accordance with the provisions of the preceding three Articles, the order of succession of the spouse shall be in the same rank with such person.

Article 891. None of the persons mentioned below can become a successor:

1. Any person who has been sentenced to punishment for having intentionally caused or attempted to cause the death of the person to be succeeded to or of any person who has a prior or the same rank with respect to the succession;

2. Any person who, knowing that the person to be succeeded to has been killed by homicide, has omitted to give information or to bring a formal charge, except when such person has no capacity to discern right and wrong, or when the guilty party is the spouse or a lineal relative by blood of such person;

3. Any person who has by fraud or duress prevented the person to be succeeded to from making, revolving or altering a will relating to the succession;

4. Any person who has be fraud or duress induced the person to be succeeded to make, revoke or alter a will relating to the succession;

5. Any person who has forged, altered, destroyed or concealed a will of the person to be succeeded to relating to the succession.

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Article 892. In case a presumptive successor who is entitled to a legally secured portion has treated the person to be succeeded to with cruelty or has offered him a gross insult, or in case a presumptive successor has been guilty of any other gross misconduct, the latter may apply to the Court of Domestic Relations for the disinheritance of such presumptive successor.

Article 893. In case a person to be succeeded to has declared by will his intention to disinherit the presumptive successor, the executor of the will must apply to the Court of Domestic Relations for the disinheritance without delay after the will has become effective. In this case, the disinheritance shall be effective retroactively as from the time of the death of the person succeeded to.

Article 894. A person to be succeeded to may at any time apply to the Court of Domestic Relations for the revocation of of the disinheritance of a presumptive successor.

The provisions of the preceding Article shall apply with the necessary modifications to annulment of disinheritance.

Article 895. If succession is opened after an application has been made for the disinheritance of a presumptive successor or for the revocation thereof, but before the decision on such application has become final and conclusive, the Court of Domestic Relations may, on the application of any relative or any person interested, or of a public procurator, order such disposition as may be necessary for the management of the estate. The same shall

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also apply when there exists a will disinheriting a successor.

In cases where the Court of Domestic Relations has appointed an administrator, the provisions of Articles 27 to 29 shall apply with the necessary modifications.

CHAPTER III

EFFECT OF SUCCESSION

Section I

General Provisions

Article 896. A successor succeeds, as from the time of the opening of the succession, to all the rights and duties pertaining to the property of the person succeeded to except such as are entirely personal to that person.

Article 897. Notwithstanding the provisions of the preceding Article, the ownership of geneological records, of utensiles of religious rites and of tombs and burial grounds is succeeded to the person who, according to custom, is to hold as a president the worship to the memory of the ancestors. If, however, the person succeeded to has designated the person who is to hold as a president the worship to the memory of the ancestors, such person shall succeed to that ownership.

In case the custom mentioned in the preceding paragraph is unknown, the person who is to succeed to the right mentioned in the preceding paragraph shall be determined by the Court of Domestic Relations.

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Article 898. In case there exist two or more successors the property succeeded to is in their co-ownership.

Article 899. Each co-successor succeeds to the rights and duties of the person succeeded to in proportion to his share in the succession.

Section II

Shares in a Succession

Article 900. If there exist two or more successors in the same rank, their shares in the succession shall be determined in accordance with the following provisions:

1. Where lineal descendants and a spouse are successors, the shares in the succession of the lineal descendants shall, in all, be two thirds, and that of the spouse shall be one third.

2. Where the spouse and lineal ascendants are successors, the share in the succession of the spouse and of the lineal ascendants shall respectively be one half.

3. Where the spouse and brothers and sisters are successors, the share in the succession of the spouse shall be two thirds and those of the brothers and sisters shall be one third.

4. Where there exist two or more lineal descendants, or lineal ascendants, or brothers and sisters, their respective shares in the succession shall be equal. But, the share in the succession of lineal descendant who is not legitimate shall be one half of that of a legitimate lineal descendant, and the share in the succession of any of the brothers and sisters whose father or

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mother alone is the same with that of person succeeded to, shall be one half of the share of any of the brothers and sisters whose father and mother both are the same with those of the person succeeded to.

Article 901. The share in a succession of a lineal descendant who is a successor in accordance with the provisions of Article 888 shall be the same as that which would have been received by his lineal ascendant, but in case there exist two or more lineal descendants their shares in the succession shall, in respect of the share which would have been received by the lineal ascendant of each of them, be determined in accordance with the provisions of the preceding Article.

The provisions of the preceding paragraph shall apply with the necessary modifications in cases where a lineal descendant of brothers and sisters is a successor in accordance with the provisions of Article 889, paragraph 2.

Article 902. A person to be succeeded to may, notwithstanding the provisions of the preceding two Articles, by will determine the shares of co-successors or commission a third person to determine them, but neither the person to be succeeded to nor the third person may contravene the provisions relating to legally secured portions.

In case a person to be succeeded to has determined or caused to be determined the share of the other co-successors shall be determined in accordance with the preceding two Articles.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775 072

Article 903. In case any of the co-successors has received from the person to be succeeded to a testamentary gift, or a gift for the purpose of his marriage, adoption, or as a means of livelihood, the value of the property owned by the person to be succeeded to at the time of the opening of the succession plus the value of such gift shall be deemed to be the property succeeded to, and the amount remaining after deducting the value of the gift, whether testamentary or not, from what would have been his share in the succession, as computed in accordance with the provisions of the preceding three Articles, shall constitute his share in the succession.

If the value of the gift, whether testamentary or not, equals or exceeds the value of the share in the succession, the donee may not received such share.

If the person to be succeeded to has declared any intention different from the provisions of the preceding two paragraphs, such declaration of intention shall be effective in so far as it does not contravene the provisions relating to legally secured portions.

Article 904. The value of gifts mentioned in the preceding Article shall be determined by treating the property which forms the subject of the same as if it still existed in its original condition at the time of the opening of the succession, even if it has been lost or increased or decreased in value by an act of the donee.

Article 905. In case one of the co-successors assigns his share in the succession to a third person before partition, other co-successors may have such share in the succession assigned to them upon effecting a reimbursement of its value and expenses.

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The right mentioned in the preceding paragraph must be exercised within one month.

Section III

Partition of Estate

Article 906. For effecting partition of estate, the kind and nature of the things or rights constituting the estate, the profession of each successor and all other circumstances shall be taken into account.

Article 907. Except the case where partition of estate has been forbidden by the will of the person succeeded to in accordance with the provisions of Article 906, co-successors may, at any time, effect the partition of the estate by their agreement.

If no agreement is reached or possible between the co-successors for partition of the estate, each co-successor may apply to the Court of Domestic Relations for its partition.

If, in the case mentioned in the preceding paragraph, any special reason exists, the Court of Domestic Relations may forbid partition of all or a part of estate for a fixed period.

Article 908. A person to be succeeded to may by will determine, or commission a third person to determine, the mode of partition, or forbid partition for a period not exceeding five years from the time of the opening of the succession.

Article 909. Partition of estate shall be effective retroactively as from the time of the opening of the succession, but nothing in this Article shall prejudice any of the rights of third persons.

Article 910. If, in cases where a person who has become successor by acknowledgement after the opening of the succession applies for

the partition of estate, other co-successors have already effected the partition or other dispositions, he may claim only the payment of value of the estate to which he is entitled.

Article 911. Each co-successor shall in proportion to his share in the succession bear the same liability for warranty as that of a seller towards other co-successors.

Article 912. Each co-successor shall in proportion to his share in the succession warrant the solvency of the obligor as at the time of partition in regard to obligations acquired by other co-successors through partition.

In regard to an obligation which is not yet due or an obligation subject to a suspensive condition each co-successor warrants the solvency of the obligor as at the time when performance is to be effected.

Article 913. If any of the co-successors who incur a liability for warranty has not sufficient means to effect reimbursement, the part which he is unable to reimburse shall be borne by the person demanding reimbursement and other solvent successors in proportion to their respective shares in the succession; but in case the party demanding reimbursement is in fault, he cannot demand that the other co-successors shall bear their proportions.

Article 914. The provisions of the preceding three Articles shall not apply where the person to be succeeded to has declared any different intention by will.

CHAPTER IV

ACCEPTANCE AND RENUNCIATION OF SUCCESSION

Section I

General Provisions

Article 915. A successor must, within three months from the time when he became aware that the succession had been opened in his favor, effect an acceptance, either absolute or qualified, or a renunciation; but such period may be extended by the Court of Domestic Relations on the application of any person interested or of a Public Procurator.

A successor may make a survey of the property to be succeeded to before effecting acceptance or renunciation.

Article 916. In case a successor dies without effecting either acceptance or renunciation, the period mentioned in paragraph 1 of the preceding Article shall be computed as from the time when his successor became aware that the succession had been opened in his favor.

Article 917. In case a successor is a person under disability, the period mentioned in Article 915, paragraph 1, shall be computed as from the time when his legal representative became aware that the succession had been opened in favor of the person under disability.

Article 918. A successor must manage the property succeeded to with the same care as he uses in respect to his individual property, except when he has effected either acceptance or renunciation.

The Court of Domestic Relations may, on the application of any person interested or of a Public Procurator, at any time order the adoption of such measures as may be necessary for the management of the property succeeded to.

In cases where the Court of Domestic Relations appoints an administrator the provisions of Article 27 to 29 inclusive shall apply with the necessary modifications.

Article 919. Acceptance and renunciation cannot be revoked even within the period mentioned in Article 915, paragraph 1.

The provisions of the preceding paragraph shall not preclude the avoidance of acceptance or renunciation in accordance with the provisions of Book I and the preceding Book; but such right of avoidance shall be extinguished by prescription, if it is not exercised within six months from the time when it became possible to effect ratification, or if ten years have elapsed from the time of the acceptance or renunciation.

Section II

Acceptance

Sub-section I

Absolute Acceptance

Article 920. If a successor effects an absolute acceptance he succeeds without limitation to the rights and duties of the person succeeded to.

Article 921. In the cases mentioned below a successor shall be deemed to have effected an absolute acceptance:

1. If he has disposed of the whole or part of the property succeeded to, but this shall not apply to effecting an act of preservation or a lease for any period not longer than those specified in Article 602.

2. If he fails to effect either a qualified acceptance or a renunciation, he has concealed or secretly consumed, or failed in bad faith to enter in the inventory, the whole or part of the property succeeded to; but this shall not apply after an acceptance has been effected by a person who has become successor in consequence of his having effected a renunciation.

Sub-section II

Qualified Acceptance

Article 922. A successor may effect an acceptance with the reservation that he shall perform the obligations and testamentary gift of the person succeeded to only to the extent of the property acquired through the succession.

Article 923. If there exist two or more successors qualified acceptance may be effected merely by joint acts of all co-successors.

Article 924. If a successor desires to effect a qualified acceptance he must prepare an inventory within the period mentioned in Article 915, paragraph 1 and present it to the Court of Domestic Relations with a declaration that he effects a qualified acceptance.

Article 925. In case a successor effects a qualified acceptance any rights and duties which he had towards the person succeeded to shall be deemed not to have been extinguished.

Article 926. A qualified acceptor must continue to manage the property succeeded to with the same care as he uses in respect of his individual property.

The provisions of Article 645, 646, 650 paragraphs 1 and 2, and Article 918 paragraphs 2 and 3 shall apply with the necessary modifications to the case contemplated in the preceding paragraph.

Article 927. A qualified acceptor must, within five days after he has effected the qualified acceptance, give public notice to all obligees of the person succeeded to and to all testamentary donees to the effect that he has effected a qualified acceptance and that they are called upon to present their claims within a specified period which must not be less than two months.

The provisions of Article 79, paragraphs 2 and 3 shall apply with the necessary modifications to the case contemplated in the preceding paragraph.

Article 928. A qualified acceptor may refuse performance to obligees of the person succeeded to and to testamentary donees until the expiration of the period mentioned in paragraph 1 of the preceding Article.

Article 929. Upon the expiration of the period mentioned in Article 927, paragraph 1, a qualified acceptor must effect performance to those obligees who have presented their claims within such period and to all other obligees known to him, in proportion to the amounts of their respective obligations, out of the property succeeded to; but the rights of obligees who have priority may not be prejudiced thereby.

Article 930. A qualified acceptor must perform in accordance with the provisions of the preceding Article even those obligations which are not yet due.

Conditional obligations and obligations of uncertain duration must be performed according to the valuation of an expert appointed by the Court of Domestic Relations.

Article 931. A qualified acceptor may not effect performance to testamentary donees until after he has effected performance to each obligee in accordance with the provisions of the preceding two Articles.

Article 932. In case it is found necessary to sell the property succeeded to in order to effect performance in conformity with the provisions of the preceding three Articles, a qualified acceptor must offer it for sale by official auction, but he may dispense with the sale by official auction of the whole or part of the property succeeded to upon paying the valued thereof according to the valuation of an expert appointed by the Court of Domestic Relations.

Article 933. An obligee of a person succeeded to or a testamentary donee may at his own expense intervene in the sale by official auction or the valuation of the property succeeded to. In this case the provisions of Article 260, paragraph 2 shall apply with the necessary modifications.

Article 934. If a qualified acceptor has neglected to give the public or peremptory notice as prescribed in Article 927 or has effected performance to some obligees or testamentary donees within

the period mentioned in paragraph 1 of the same Article, and in consequence has become unable to effect performance to the other obligees or testamentary donees, he shall be bound to make compensation for any damage arising therefrom. The same shall apply where performance has been effected in contravention of any of the provisions of Articles 929 to 931 inclusive.

The provisions of the preceding paragraph shall not prejudice the right of the other obligees or testamentary donees to demand reimbursement from such obligees or testamentary donees as have improperly received performance with knowledge of the circumstances.

The provisions of Article 724 shall also apply in the cases of the preceding two paragraphs.

Article 935. Obligees and testamentary donees who have failed to present their claims within the period mentioned in Article 927, paragraph 1 and who were unknown to the qualified acceptor can exercise their rights with respect to the surplus assets only, except those who have special securities in respect to the property succeeded to.

Article 936. In case there exist two or more successors, the Court of Domestic Relations must appoint an administrator of the property to be succeeded to from among the successors.

The administrator manages the property to be succeeded to, and does all acts necessary for performing obligations on behalf of, and in place of the successors.

The provisions of Articles 926 to 935 inclusive shall apply with necessary modifications to the administrator; but the period

to give public notice prescribed in the first paragraph of Article 927 shall be within ten days from the time when the administrator was appointed.

Article 937. If there exists any of the grounds mentioned in item 1 or 3 of Article 921 with regard to one or several of the co-successors who effected a qualified acceptance, an obligee of a person succeeded to may exercise the right over such co-successor's in proportion to his share in the succession with respect to the amounts of the obligations which have not been satisfied out of the property succeeded to.

Section III

Renunciation

Article 938. A person who desires to effect a renunciation of a succession must make a declaration to the Court of Domestic Relations to that effect.

Article 939. Renunication shall be effective retroactively as from the time of the opening of the succession.

If, in cases where there exist two or more successors, one of them has effected a renunciation, his share in the succession devolves on the other successors in proportion to their respective shares therein.

Article 940. A person who has effected a renunciation of a succession must continue to manage the property succeeded to with the same care as he uses in respect of his own property until the person who becomes successor by reason of his renunciation is able to commence the management of the property.

The provisions of Articles 645, 646, 650 paragraphs 1 and 2, and Article 918 paragraphs 2 and 3 shall apply with the necessary modifications to the case contemplated in the preceding paragraph.

CHAPTER V

SEPARATION OF PROPERTY

Article 941. An obligee of a person succeeded to or a testamentary donee may, within three months from the time of the opening of the succession, apply to the Court of Domestic Relations for the separation of the property succeeded to from the property of the successor. The same shall apply even after the expiration of that period so long as the property succeeded to has not been intermingled with the successor's individual property.

If the Court of Domestic Relations has ordered a separation of property on an application as mentioned in the preceding paragraph, the person who made such application must, within five days, give public notice to the other obligees of the person succeeded to and to testamentary donees to the effect that an order for a separation of property has been made and that they are called upon to claim to intervene in the distribution within a specified period which must not be less than two months.

Article 942. A person who has applied for a separation of property and those who have claimed to intervene in the distribution in accordance with the provisions of paragraph 2 of the preceding Article shall receive performance out of the property succeeded to in preference to the obligees of the successor.

Article 943. In case an application has been made for a separation of property the Court of Domestic Relations may order the adoption of such measures as may be necessary for the management of the property succeeded to.

In cases where the Court of Domestic Relations has appointed an administrator, the provisions of Articles 27 to 29 inclusive shall apply with the necessary modifications.

Article 944. If, even after a successor has effected an absolute acceptance, an application is made for a separation of property, the successor must henceforth manage the property succeeded to with the same care as he uses in respect of his individual property except when an administrator has been appointed by the Court of Domestic Relations.

The provisions of Articles 645 to 647 inclusive and Article 650, paragraphs 1 and 2 shall apply with the necessary modifications to the case mentioned in the preceding paragraph.

Article 945. As regards immovables a separation of property cannot be set up against a third person until it has been registered.

Article 946. The provisions of Article 304 shall apply with the necessary modifications to the case of a separation of property.

Article 947. A successor may refuse performance to obligees of the person succeeded to and to testamentary donees until the expiration of the periods mentioned in Article 941, paragraphs 1 and 2.

In case an application for a separation of property has been made, the successor must, upon the expiration of the period mentioned in Article 941, paragraph 2, effect performance, out of the property succeeded to to those obligees and testamentary donees who applied for the separation of property or claimed to intervene in the distribution in proportion to their respective obligations; but the rights of obligees who have priority may not be prejudiced thereby.

The provisions of Articles 930 and 934 inclusive shall apply with the necessary modifications to the case mentioned in the preceding paragraph.

Article 948. A person who applied for a separation of property or claimed to intervene in the distribution can exercise his rights with respect to the successor's individual property only in cases where he could not receive full performance out of the property succeeded to. In this case the obligees of the successor can receive performance in preference to such person.

Article 949. A successor can prevent an application for a separation of property or extinguish its effect by effecting performance to the obligees of the person succeeded to and to testamentary donees out of his individual property or by furnishing adequate security to them; but this shall not apply where any obligee of the person succeeded to raises an objection with proof that he will thereby sustain damage.

Article 950. So long as a successor is at liberty to effect a qualified acceptance or the property succeeded to is not intermingled

with the successor's individual property, his obligees may apply for a separation of property.

The provisions of Articles 304, 925, 927 to 934 inclusive, 943 to 945 inclusive and 948 shall apply with the necessary modifications to the case mentioned in the preceding paragraph; but the public and peremptory notice as prescribed in Article 927 must be given by the obligee who has applied for the separation of property.

CHAPTER VI

DEFAULT OF SUCCESSORS

Article 951. If it is unknown whether or not there exists a successor, the property to be succeeded to shall constitute a juristic person.

Article 952. In the case mentioned in the preceding Article the Court of Domestic Relations must, on the application of any person interested or of a Public Procurator, appoint an administrator of the property to be succeeded to.

The Court of Domestic Relations must without delay give public notice of the appointment of the administrator.

Article 953. The provisions of Articles 27 to 29 inclusive shall apply with the necessary modifications to an administrator of the property to be succeeded to.

Article 954. If a demand is made by any of the obligees of the person to be succeeded to or of the testamentary donees, the administrator must report to such persons on the condition of the property to be succeeded to.

Article 955. If it becomes known that there exists a successor the juristic person shall be deemed never to have existed, provided that the validity of acts done by the administrator within the scope of his authority shall not be affected thereby.

Article 956. The power of representation of an administrator shall be extinguished at the time when a successor effects an acceptance of succession.

In the case mentioned in the preceding paragraph the administrator must without delay render an account of the management of the successor.

Article 957. If it does not, within two months after the public notice prescribed in Article 952, paragraph 2, has been given become known that there exists a successor, the administrator must without delay give public notice to all obligees of the person to be succeeded to and to all testamentary donees, calling upon them to present their claims within a specified period which must not be less than two months.

The provisions of Article 79, paragraphs 2 and 3, and Articles 928 to 935 inclusive, except those of the proviso to Article 932, shall apply with the necessary modifications to the case mentioned in the preceding paragraph.

Article 958. If, even after the expiration of the period mentioned in paragraph 1 of the preceding Article, it is still unknown whether there exists any successor, the Court of Domestic Relations must, on the application of the administrator or of a

Public Procurator, give public notice calling upon the successor, if any, to assert his right within a specified period which must not be less than one year.

Article 959. If no one asserts his right as successor within the period mentioned in the preceding Article, the property to be succeeded to shall devolve on the National Treasury.

In such case the provisions of Article 956, paragraph 2 shall apply with the necessary modifications.

Obligees of the person to be succeeded to and testamentary donees cannot exercise their rights as against the National Treasury.

CHAPTER VII

WILLS

Section 1

General Provisions

Article 960. No will can be made otherwise than in conformity with the forms prescribed in this Code.

Article 961. Any person who has completed his fifteenth year may make a will.

Article 962. The provisions of Articles 4, 9 and 12 shall not apply to a will.

Article 963. A testator must at the time of making a will be invested with capacity to do so.

Article 964. A testator may make a disposition of the whole or part of his property under either a universal or special title;

but provisions relating to legally secured portions may not be contravened.

Article 965. The provisions of Articles 886 and 891 shall apply with the necessary modifications to testamentary done.

Article 966. If, before the accounts of a guardianship have been completed, the ward makes a will under which the guardian, his spouse or any of his lineal descendants is to take a benefit, such will shall be void.

The provisions of the preceding paragraph shall not apply in cases where a lineal relative by blood, the spouse, or a brother or sister is the guardian.

Section II

Forms of Wills

Sub-section 1

Ordinary Forms

Article 967. A will must be made by means of a holographic, or a notarial, or a secret document, except when resort to special forms is permitted.

Article 968. In order to make a will by a holographic document, the testator must write with his own hand the whole text, the date and his full name and must affix his seal thereto.

Any insertion, deletion or other alteration in a holographic document shall be ineffective unless the testator indicates the place thereof, makes an additional entry to the effect than an alteration

has been made, specially adds his signature to such entry and also affixed his seal at the place of alteration.

Article 969. In order to make a will by a notarial document, the following formalities must be complied with:

1. That two or more witnesses are present;

2. That the testator orally declares the tenor of the will to a notary;

3. That the notary writes down the testator's oral statement and reads it to the testator and the witnesses;

4. That the testator and each of the witnesses affix their signatures and seals to the writing after acknowledging it to be correct, but in cases where the testator is unable to sign the notary may make an additional entry of the fact in substitution for the signature;

5. That the notary makes an additional entry to the effect that the document has been drawn up in compliance with the formalities as specified under the preceding four heads and affixes signature and seal thereto.

Article 970. In order to make a will be a secret document, the following formalities must be complied with:

1. That the testator affixes his signature and seal to the document;

2. That the testator closes up the document and seals the cover with the same seal as he has used upon the document;

3. That the testator produces the sealed document before a

notary and at least two witnesses and declares that it is his testamentary document and also declares the full name and permanent residence of the writer thereof;

4. That, after the notary has written down on the sealed cover the date of the production of the document and the declaration of the testator, he, the testator and the witnesses affix their signatures and seals thereto.

The provisions of Article 968, paragraph 2 shall apply with the necessary modifications to a will made by a secret document.

Article 971. Even if a will made by a secret document is defective as regards the formalities prescribed in the preceding Article it shall be valid as a will made by a holographic document if it fulfills the formalities specified in Article 968.

Article 972. In cases where a person who is unable to speak makes a will by a secret document, the testator must, in substitution for the declaration mentioned in Article 970, paragraph 1, Item 3, write with his own hand in the presence of the notary and of the witnesses on the sealed cover a statement that the document is his testamentary one and also the full name and permanent residence of the writer thereof.

The notary must write on the sealed cover, in substitution for writing the declaration, a statement that the testator has complied with the formalities prescribed in the preceding paragraph.

Article 973. In order to enable a person adjudged incompetent to make a will during a lucid interval, at least two medical practitioners must be present.

The medical practitioners present at the making of the will must make an additional entry upon the testamentary document to the effect that the testator was not in a condition of mental unsoundness at the time when he made the will and must affix their signatures and seals thereto; but in cases where a will is made by a secret document such entry, signatures and seals must be affixed to the sealed cover.

Article 974. None of the persons mentioned below can become a witness to a will or a person required to be present at the making thereof:

1. A minor;

2. A person adjudged incompetent or quasi-incompetent;

3. A presemptive successor, a testamentary donee, and their spouses and lineal relatives by blood;

4. The spouse, any of the relatives up to the fourth degree of relationship and any of the clerks as well as of the servants of the notary.

Article 975. No will can be made by two or more persons by one and the same document.

Sub-section II

Special Forms

Article 976. In case a person who is in imminent danger of death through disease or from any other cause desires to make a will, he may do so in the presence of at least three witnesses by orally declaring its tenor to one of them. In this case the person to whom the oral declaration is made must write it down and read

it to the testator and the other witnesses, and each witness, after having acknowledged the writing to be correct, must affix his signature and seal thereto.

A will made in accordance with the provisions of the preceding paragraph shall not be valid unless within twenty days from the day on which the will was made one of the witnesses or some person interested applies to the Court of Domestic Relations and obtains a confirmation thereof.

The Court of Domestic Relations may not confirm a will unless convinced that it represents the true intention of the testaor.

Article 977. A person who is in a place where communication is cut off by administrative measures on account of contagious disease may make a written will in the presence of a police officer and at lease one witness.

Article 978. A person on board ship may make a written will in the presence of the master or one of the clerical staff of the ship and at least two witnesses.

Article 979. A person who, in the event of a ship's distress is on board the ship and is in immediate danger of death, may make a will orally in the presence of at least two witnesses.

A will made in compliance with the provisions of the preceding paragraph shall not be valid, unless witnesses write down its tenor and verify such writing with their signatures and seal-impressions and one of the witnesses or some person interested also applies without delay to the Court of Domestic Relations and obtains a confirmation thereof.

The provisions of Article 976, paragraph 3 shall apply with the necessary modifications to the case mentioned in the preceding paragraph.

Article 980. In the cases mentioned in Articles 977 and 978, the testator, the writer and the persons required to be present and the witnesses must each affix their signatures and seals to the testamentary document.

Article 981. If, in the cases mentioned in Articles 977 to 979 inclusive, there is concerned a person who is unable to affix his signature or seal, persons required to be present or witnesses must make an additional entry of the fact.

Article 982. The provisions of Article 968, paragraph 2 and Articles 973 to 975 inclusive shall apply to a will made in accordance with the provisions of Articles 976 and 981 inclusive.

Article 983. A will made in accordance with the provisions of Articles 976 to 982 inclusive shall not be valid if the testator survives for six months from the time when he becomes able to make a will in compliance with ordinary forms.

Article 984. In case a Japanese resident is in a place where a Japanese Consul is stationed and he desires to make a will by means of a notarial or secret document, the duty of a notary shall be performed by such Consul.

Article

Section III

Effect of Wills

Article 985. A will becomes effective upon the death of the testator.

If, in cases where a will is subject to a suspensive condition,

the condition is fulfilled after the death of the testator, the will becomes effective upon the fulfilment of the condition.

Article 986. A testamentary donee may effect a renunciation of the testamentary gift at any time subsequent to the death of the testator.

A renunciation of a testamentary gift shall be effective retroactively as from the time of the death of the testator.

Article 987. A person charged with a testamentary gift or any person interested may give a peremptory notice to the testamentary donee to effect either an acceptance or a renunciation of the testamentary gift within a reasonable period fixed by him. If the testamentary donee fails to declare his intention to the person charged with the testamentary gift within such period, he shall be deemed to have accepted the testamentary gift.

Article 988. In case a testamentary donee dies without effecting either an acceptance or a renunication of the testamentary gift, his successor can effect either an acceptance or a renunciation within the scope of his own right of succession; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 989. An acceptance or a renunciation of a testamentary gift cannot be revoked.

The provisions of Article 919, paragraph 2 shall apply with the necessary modifications to an acceptance or a renunciation of a testamentary gift.

Article 990. A testamentary donee by a universal title has the same rights and duties as a successor.

Article 991. So long as a testamentary gift is not yet due, the testamentary donee may demand adequate security from the person charged with the testamentary gift. The same shall apply as respects a testamentary gift subject to a suspensive condition during the pendency of the condition.

Article 992. A testamentary donee acquires fruits as from the time when he can demand fulfillment of the testamentary gift; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 993. In case a person charged with a testamentary gift incurs any expenses in respect to the subject matter of the testamentary gift after the death of the testator, the provisions of Article 299 shall apply with the necessary modifications.

As regards ordinary necessary expenses incurred for the purpose of collecting fruits, the reimbursement thereof may be demanded to the extent of the value of the fruits.

Article 994. A testamentary gift shall not take effect if the testamentary donee dies before the death of the testator.

The same shall apply with respect to a testamentary gift subject to a suspensive condition if the testamentary donee dies before the fulfillment of the condition but if the testator has declared a different intention in his will, such intention shall prevail.

Article 995. In case a testamentary gift does not take effect or becomes void of effect by reason of renunciation, whatever the

testamentary donee would have received devolves on the successor; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 996. A testamentary gift shall not take effect if the right which forms the subject thereof is not comprised in the property succeeded to at the time of the death of the testator, except when it appears that such right has been made the subject of the testamentary gift notwithstanding that it may not be comprised in the property succeeded to.

Article 997. In case a testamentary gift having for subject a right which is comprised in the property succeeded to as effective in accordance with the provisions of the provisoto the preceding Article, the person charged with the testamentary gift is under a duty to acquire that right and transfer it to the testamentary donee. If he cannot acquire it or if excessive expense would be required in order to acquire it, he must pay over the value thereof; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 998. If, in cases where a non-specific thing has been made the subject of a testamentary gift, the testamentary donee is deprived by eviction of the thing delivered, the person charged with the testamentary gift shall assume the same liability in respect of warranty as that of a seller.

If, in the case mentioned in the preceding paragraph, any defect exists in the thing, the person charged with the testamentary gift must substitute in its place a thing free from any defect.

Article 999. In case a testator has a right to demand compensation from a third person by reason of the loss or alteration of the subject matter of the testamentary gift or the loss of the possession thereof, such right shall be presumed to have been made the subject of the testamentary gift.

If, in cases where the subject matter of a testamentary gift has been united to or mixed with another thing, the testator has become the sole owner of a co-owner of the composite thing or the mixture in accordance with the provisions of Article 243 to 245 inclusive, the ownership or the co-ownership of the whole shall be presumed to have been made the subject of the testamentary gift.

Article 1000. If the thing or right which constitutes the subject of a testamentary gift at the time of the death of the testator is the subject of a right belonging to a third person, the testamentary donee may not demand from the person charged with the testamentary gift that such right be extinguished; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 1001. If, in cases where an obligation has been made the subject of a testamentary gift, the testator has obtained performance and things which he has so received still remain among the property succeeded to, such thing shall be presumed to have been made the subject of the testamentary gift.

As regards an obligation which has money for its subject, the amount of such money shall be presumed to have been made the subject

of the testamentary gift even though there is in the property succeeded to no sum of money corresponding to the amount of the obligation.

Article 1002. A person who has received a testamentary gift subject to a charge is bound to perform the duty which he has assumed only to the extent of the value of the subject of the testamentary gift.

In case the testamentary donee has effected a renunciation, the person who is to receive the benefit of the charge may himself become testamentary donee; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 1003. In case the value of the subject of a testamentary gift which is subject to a charge is reduced by reason of a qualified acceptance of the succession or an action for the recovery of a legally secured portion, the testamentary donee shall in proportion to such reduction be relieved of the duty which he has assumed; but if the testator has declared a different intention in his will, such intention shall prevail.

Section IV

Carrying Wills Into Effect

Article 1004. Upon becoming aware of the opening of the succession the custodian of a testamentary document must without delay present it to the Court of Domestic Relations and apply for probate thereof.

In cases where there exists no custodian of the testamentary document, the same shall apply upon the discovery of the document by the successor.

The provisions of the preceding paragraph shall not apply to a will made by means of a notarial document.

A testamentary document closed up with a seal may not be opened except in Court of Domestic Relations and in the presence of the successors or their representatives.

Article 1005. Any person who neglects to present a testamentary document in accordance with the provisions of the preceding Article, or who carries a will into effect without first procuring probate, or who opens a will out of the Court of Domestic Relations, shall be held liable to an administrative penalty of not exceeding two hundred yen.

Article 1006. A testator may designate one or more executors by will or commission a third person to designate them.

A person who has been commissioned to designate executors must without delay effect the designation and give notice thereof to the successors.

If a person who has been commissioned to designate executors desires to decline such commission, he must without delay give notice to that effect to the successors.

Article 1007. An executor who has consented to assume office must at once enter upon its duties.

Article 1008. Successors or any other person interested may give a peremptory notice to the executor to make a definite answer within a reasonable period fixed by them as to whether he consents to assume office or not. If the executor fails to make a definite answer to the successor within such period, he shall be deemed to have consented to assume office.

Article 1009. Persons under disability and bankruptcy cannot become executors.

Article 1010. If there exists noexecutor or if no executor remains, the Court of Domestic Relations may appoint one on the application of any person interested.

Article 1011. An executor must without delay prepare an inventory of the property succeeded to and hand it over to the successors.

If an application is made by the successors, an executor must prepare an inventory in their presence or cause a notary to prepare it.

Article 1012. An executor has the right and duty to manage the property succeeded to and to perform all acts necessary for carrying the will into effect.

The provisions of Articles 644 to 647 inclusive and 650 shall apply with the necessary modifications to an executor.

Article 1013. In cases where there exists an executor, the successors may not in any way dispose of the property succeeded to or do any act which would obstruct the majority; but if the testator has declared a different intention in his will, such intention shall prevail.

Not withstanding the provisions of the preceding paragraph, each executor is entitled to effect acts of preservation.

Article 1018. The Court of Domestic Relations may determine the remuneration of an executor having regard to the conditions of the property succeeded to or other circumstances, except, however, when a testator provided the remuneration in his will.

In cases where an executor is to receive remuneration, the provisions of Article 648, paragraphs 2 and 3 shall apply with the necessary modifications.

Article 1019. If an executor neglects his duties or if there exists any other reasonable ground, any person interested may apply to the Court of Domestic Relations for his removal.

If reasonable ground exists, an executor may resign his office with leave of the Court of Domestic Relations.

Article 1020. The provisions of Articles 654 and 655 shall apply with the necessary modifications in cases where the duties of an executor have terminated.

Article 1021. Expenses relating to carrying a will into effect shall be borne by the property succeeded to; but legally secured portions cannot be diminished thereby.

Section V

Revocation of Wills

Article 1022. A testator can at any time revoke the whole or part of his will in accordance with any of the forms prescribed for wills.

Article 1023. If a prior will is inconsistent with a subsequent will the prior will shall be deemed to have been revoked by the subsequent one in respect of the parts in which they are inconsistent.

The provisions of the preceding paragraph shall apply with a necessary modifications in cases where a will is inconsistent with a disposition inter vivos or any other juristic act effected subsequently to the will.

Article 1024. If a testator intentionally destroys his testamentary document he shall be deemed to have revoked the will in respect of such parts as have been destroyed. The same shall apply when a testator intentionally destroys the subject matter of a testamentary gift.

Article 1025. A will revoked in accordance with the preceding three Articles shall not be revived even though the act of revocation is avoided or becomes ineffective, except when such act has been induced either by fraud or duress.

Article 1026. A testator cannot waive the right to revoke his will.

Article 1027. If a person who has received a testamentary gift subject to a charge does not perform the duty which he has assumed, the successors may fix a reasonable period and give peremptory notice demanding its performance and may apply to the Court of Domestic Relations for the revocation of the will, if no performance is effected within such period.

CHAPTER VIII

LEGALLY SECURED PORTIONS

Article 1028. Any successors, with the exception of brothers and sisters of the person succeeded to, shall receive, as their legally secured portion, the following sum:

1. In cases where all of the successors are lineal descendants, or all of them are lineal descendants and the spouse, one half of the property of the person succeeded to;

2. In all other cases, one third of the property of the person succeeded to.

Article 1029. A legally secured portion shall be calculated on the basis of adding to the value of the property which the person succeeded to had at the time of the opening of the succession the value of any property of which he had made gifts and deducting therefrom the total amount of his obligations.

The value of a conditional right or of a right of uncertain duration shall be determined according to the assessment of an expert appointed by the Court of Domestic Relations.

Article 1030. The value of gifts shall be taken into account in accordance with the provisions of the preceding Article only if they were made within one year prior to the opening of the succession. But the rule shall apply even to gifts which were made more than a year before if both the parties acted with knowledge that loss would be caused to the person entitled to a legally secured portion.

Article 1031. A person entitled to a legally secured portion or his successor may demand an abatement of testamentary gifts and of gifts inter vivos as mentioned in the preceding Article to the extent necessary for the protection of the legally secured portion.

Article 1032. If, in cases where a conditional right or a right of uncertain duration is made the subject of a gift inter vivos or a testamentary gift, such gift or testamentary gift is to abate partially, persons entitled to a legally secured portion must at once pay to the donee or the testamentary donee the value of the

remaining part according to the value as determined in accordance with the provisions of Article 1029, paragraph 2.

Article 1033. Gifts do not abate until testamentary gifts have abated.

Article 1034. Testamentary gifts abate in proportion to the value of their subject; but if the testator has declared a different intention in his will, such intention shall prevail.

Article 1035. Abatement of gifts shall commence with the latest and extend in a successive order to the earliest.

Article 1036. In addition to the property to be returned, a donee must also return its fruits as from the day on which a demand for an abatement was made.

Article 1037. Any loss arising from the insolvency of a donee whose gift is to abate shall be borne by the persons entitled to a legally secured portion.

Article 1038. As to a gift subject to a charge, an abatement may be demanded in respect of the value of the subject less that of the charge.

Article 1039. An act for value performed for an inadequate consideration shall be deemed to be a gift only if both the parties acted with knowledge that loss would be caused to the person entitled to a legally secured portion. In such case, the person entitled to a legally secured portion who demands abatement must make reimbursement for the consideration.

Article 1040. In case a donee whose gift is to abate has assigned the subject of the gift to another person, he must pay its

value to the person entitled to a legally secured portion; but if the assignee knew at the time of the assignment that loss would be caused to the person entitled to a legally secured portion, the latter may also demand an abatement against the assignee.

The provisions of the preceding paragraph shall apply with the necessary modifications to cases where a donee has created rights over the subject of the gift.

Article 1041. A donee inter vivos or a testamentary donee may relieve himself of the duty of restoration by paying to the person entitled to a legally secured portion the value of the subject of the gift inter vivos or the testamentary gift to the extent that such gift is to abate.

The provisions of the preceding paragraph shall apply with the necessary modifications to the case mentioned in the proviso to the preceding Article, paragraph 1.

Article 1042. The right to demand abatement shall be extinguished by prescription, if it is not exercised within one year from the time when the person entitled to a legally secured portion became aware that the succession had been opened and that gifts inter vivos or testamentary, which are to abate, had been made, or if ten years have elapsed from the time of the opening of the succession.

Article 1043. The renunciation of a legally secured portion effected before the opening of the succession shall be effective, if, and only if, the approval of the Court of Domestic Relations is obtained.

No renunciation of a legally secured portion effected by one of the co-successors shall effect the legally secured portion of any other co-successors.

Article 1044. The provisions of Articles 88, 900, 901, 903 and 904 shall apply with the necessary modifications to a legally secured portion.

Supplementary Provisions:

Article 1. The present Law shall come into force from January first, the twenty-third year of Showa (1948).

Article 2. Law No. 37 of the thirty-fifth year of Meiji (1902) is hereby repealed.

Article 3. Within the meaning of these Supplementary Provisions, the New Code shall be taken to refer to the Civil Code as amended by the present Law, the Old Code shall apply to the Civil Code which have hitherto been in force and the Law concerning Temporary Measures shall apply to the Law No. 74 of the twenty-second year of Showa (1947).

Article 4. Except for cases otherwise provided, the New Code shall apply to any of the matters which have occurred before the coming into force of the New Code. But nothing in this Article shall prejudice any of the effects which have arisen under the Old Code and the Law concerning Temporary Measures.

Article 5. No act can be avoided which has been done by a wife in contravention of the provisions of Article 14, paragraph 1 of the Old Code before the coming into force of the Law concerning Temporary Measures.

Article 6. In cases where retirement from the headship of a House effected before the coming into force of the Law concerning Temporary Measures could be annulled under the Old Code, such retirement can be annulled in accordance with the Old Code. In this case, the provisions of Article 760 of the Old Code shall apply.

Article 7. If, before the coming into force of the Law concerning Temporary Measures, rights of the head of a House have been lost by reason of retirement from the headship of the House or by reason of marriage with an incoming husband, the provisions of Article 761 of the Old Code shall continue to apply.

Article 8. Even in cases where a marriage contracted before the coming into force of the New Code can be annulled under the Old Code, such marriage may not be annulled, if none of the matters constituting the grounds for the annulment is provided in the New Code.

Article 9. The period of time fixed in Article 747, paragraph 2 of the Civil Code which are applicable with the necessary modifications in the provisions of Article 764 of the New Code shall be computed as from the day on which the New Code comes into force, if the party concerned discovered the fraud or became free from the duress before the coming into force of the New Code.

Article 10. Each of the parties who have effected divorce after the coming into force of the Constitution of Japan and before the coming into force of the New Code, may demand distribution of property from the other party in accordance with the provisions of Article 768 of the New Code.

The provisions of the preceding paragraph shall apply with the necessary modifications to annulment of marriage.

Article 11. With respect to an application for divorce by reason of any of the grounds which have occurred before the coming into force of the New Code, the provisions which are hitherto in force shall continue to apply.

The provisions of Article 770, paragraph 2 of the New Code shall apply with the necessary modifications to cases mentioned in the preceding paragraph.

Article 12. In cases where a minor child has entered into the house of its father or mother in accordance with the provisions of any of Articles 737 and 738 of the Old Code before the coming into force of the Urgent Measures Law, the child may resume its prior surname within one year as from the day on which he attained majority. If the child attains majority before the coming into force of this Law, the same applies also with regard to within one year from the coming into force of the Law.

Article 13. The provisions of Articles 8, 9 and 10 shall apply with the necessary modifications to adoption.

Article 14. In cases where the father and mother not in matrimonial relation exercise jointly the parental power over the minor child at the time of coming into force of the New Code, they shall exercise jointly the parental power continually after the coming into force of this Law. But the father and mother may determine one of them to have the parental power by agreement.

If no agreement mentioned in the latter part of the preceding paragraph is reached or possible, the Court of Domestic Relations may render decision in place of agreement on application of the father or mother.

The provisions of Article 819, paragraph 6 of the New Code shall apply with the necessary modification to the cases mentioned in any of the latter part of paragraph 1 of the preceding paragraph.

Article 15. An act done or consented to in contravention of the provisions of Article 880 of the Old Code by a mother exercising parental power before the coming into effect of the Law concerning Temporary Measures cannot be avoided.

Article 16. The provisions of Article 21 shall apply with the necessary modifications to a step-father or a step-mother, or a woman who is the wife of the father of an acknowledged child and belongs to the same House as that of the child (Tekibo) if such person has been exercising parental power before the coming into force of the Law concerning Temporary Measures.

Article 17. The provisions of Article 894 of the Old Code shall continue to apply to any obligatory right which has arisen, with respect to the management of the property, as between any of the members of family council and a child he is subject to parental power, before the coming into force of the New Code.

Article 18. Even if a mother resigned the management of property of her child according to the old provisions, her resignation shall have effect after the enforcement of the New Code, in cases where guardianship for the child has not been commenced at the time of the coming into force of the New Code.

Article 19. If either a father or mother occupies the position of a guardian in accordance with the provisions of Article 902 of the Old Code, or if there is a guardian appointed in accordance with the provisions of Article 904 of the Old Code at the time of the coming into force of the New Code, the guardian shall not automatically forfeit such position by reason of the coming into force of the New Code. But such person shall forfeit the position mentioned above as a matter of course, if the guardianship terminated as a result of the com ng into force of the New Code, or if there ex sts a legal guardian assuming his office under the New Code.

Article 20. The provisions of the preceding Article shall apply with the necessary modifications to a supervisor of the guardian or to a curator.

Article 21. An act done or consented to in contravention of the provisions of Article 929 of the Old Code by a guardian before the coming into force of the New Code can be avoided in accordance with the Old Code.

Article 22. The provisions of Article 17 shall apply with the necessary modifications to relations between any of the members of a family council on one hand and a ward or a person adjudged incompetent on the other.

Article 23. In respect of discontent with a resolution adopted at a family council before the coming into force of the New Code, the Old Code shall continue to apply.

Even if a judgment annulling a resolution adopted at a family council has become final and conclusive, it is not allowed to vote

and pass a resolution at the family council again.

Article 24. The provisions of Article 880 of the New Code shall apply with the necessary modifications to a judgment delivered with respect to support before the coming into force of the new Code.

Article 25. With respect to succession which opened before the coming into force of the Law concerning Temporary Measures, the Old Code shall apply even after the coming into force of the New Code excepting the case mentioned in the second paragraph.

As to cases where a succession to the Headship of a House has been commenced before the coming into force of the Law concerning Temporary Measures and, according to the Old Code, it is necessary to appoint the successor to the headship of a House after the coming into force of the New Code, the New Code shall apply with respect to the succession. But as to cases where such succession has been commenced by reason of annulment or dissolution of marriage with incoming husband or by reason of annulment of adoptive relation, the provisions of Article 28 shall apply with the necessary modification, deeming that succession has not been commenced as yet in respect to property.

Article 26. In cases where a person who is the head of a House at the time of the coming into force of the Law concerning Temporary Measures is one who has entered therein from another House by reason of marriage or of adoption, any of such person's step-children who have originally belonged to the former House shall have the same rights and assume the same liabilities as those of

the legitimate children, in so far as concerning succession to be commenced after the coming into force of the New Code.

In cases where succession with respect to a person who was the head of the House mentioned in the preceding paragraph opened after the coming into force of the Law concerning Temporary Measures and before the coming into force of the New Code the step-children mentioned in the preceding paragraph may demand distribution of a part of the property succeeded to from the successor. The provisions of Article 27, paragraph 2 and 3 shall apply with the necessary modifications to those cases.

The provisions of the preceding two paragraphs shall not apply to cases where the person who was the head of a House mentioned in the first paragraph has changed his or her surname by reason of annulment of marriage or of adoption or by reason of divorce or of dissolution of adoptive relation after the coming into force of the Law concerning Temporary Measures.

Article 27. With the exception of the case mentioned in the former sentence of Article 25, paragraph 2, in cases where succession to the headship of a House by reason of the death of the head thereof opened after the day of the coming into force of the Constitution of Japan, any person who would have become one of the co-successors under the New Code, may demand distribution of a part of the property succeeded to from the successor to the headship of the House.

In cases where no agreement is reached or possible between the parties in respect of the distribution of the property succeeded to

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in accordance with the provisions of the preceding paragraph, any of the parties concerned may apply to the Court of Domestic Relations for measures to take the place of such agreement.

But this shall not apply after the elapse of one year from the day of the coming into force of the New Code.

In cases mentioned in the preceding paragraph the Court of Domestic Relations shall determine whether the property be distributed or not and, if it be distributed, the sum of each share and the method of distribution, taking into account the condition of the property succeeded to, the number and financial capacity of the person who is to receive the distribution, the facts as to whether such person has received any distribution of property by an act inter vivos or by a will of the person succeeded to, and all other circumstances.

Article 28. If a person who was the head of a House at the time of the coming into force of the Law concerning Temporary Measures changes his or her surname, after the coming into force of the Law concerning Temporary Measures, by reason of annulment of marriage, divorce, annulment or dissolution of adoptive relation, the other spouse or adoptive parents, and in case where there is no such spouse or adoptive parents their successors may, according to the New Code, demand the distribution of a part of the property from such person. In this case the provisions of the second and the third paragraphs of the preceding Article shall apply with the necessary modifications.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 3(D) OR (E) NNDG # 775 072

Article 29. If, a presumptive successor to the headhsip of a House or a successor to an estimate has been disinherited in accordance with the provisions of Article 975, paragraph 1, item 1 or Article 998 of the Old Code, such person shall, for the application of the New Code, be deemed to have been disinherited in accordance with the provisions of Article 892 of the New Code.

Article 30. In case succession is to be governed by the New Code pursuant to the provisions mentioned in the former sentence of the second paragraph of Article 25, any dispositions made with respect to the management of an estate in accordance with Article 978 of the Old Code (including the cases where this Article is applicable with the necessary modifications in Article 1000), shall be deemed to have been made in accordance with the provisions of Article 895 of the New Code.

Article 31. For the application of the provisions of Article 903 of the New Code, any property which has been donated, before the coming into force of the Law concerning Temporary Measures, for the purpose of establishment of a branch House or re-establishment of an abolished or extinct House, shall be deemed to have been donated as a means of livelihood.

Article 32. The provisions of Article 906 and 907 of the New Code shall apply with the necessary modifications to cases where the Old Code applies to succession to estate, in accordance with the provisions of the first paragraph of Article 25.

Article 33. With respect to a will which before the coming

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into force of the New Code, has been made in accordance with the provisions of Article 1079 paragraph 1, of the Old Code, but has not been confirmed in compliance with the provisions of the second paragraph of the said Article, the provisions of Article 979, paragraph 2 and 3 of the New Code shall apply with the necessary modifications.

The provisions of the preceding paragraph shall apply also to a will which has been made before the coming into force of the New Code, in the event of distress of a ship belonging to the Navy in accordance with the provisions of Article 1079, paragraph 1 of the Old Code which are applicable in Article 1081 thereof with the necessary modifications, but has not been confirmed in compliance with the provisions of the second paragraph of the aforesaid Article.