



CC Art. 55

Freedom of Testation and Reserved Portion

TITLE 05 — SUCCESSION · CHAPTER 03 — TESTAMENTARY SUCCESSION

- 1 Every person of full age and sound mind may dispose of the whole or any part of the estate by testamentary disposition, subject to the reserved portion.
- 2 The reserved portion is the fraction of the estate that the law reserves for the forced heirs. Forced heirs are the children and the surviving spouse or registered partner of the deceased.
- 3 The reserved portion is:
 - a. For the children collectively: one-half of the estate, to be divided equally among them.
 - b. For the surviving spouse or registered partner: one-quarter of the estate.
- 4 The reserved portion is calculated on the net estate after deduction of debts and funeral expenses.
- 5 A testamentary disposition that infringes the reserved portion is not void but may be reduced, upon the application of a forced heir, to the extent necessary to restore the reserved portion.
- 6 A forced heir may waive the reserved portion by written declaration filed with the Royal Chancellery after the death of the deceased. A waiver made before death is void.

DOCUMENT INFORMATION	
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