

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President

No. 237/P
Vientiane Capital, dated 18.12.2008

Edict
of the
PRESIDENT
of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC
On the Promulgation of the Law on Inheritance (Amended)

- Pursuant to Chapter VI, Article 67, Item 1 of the Constitution of the Lao People's Democratic Republic Regarding the Promulgation of the Constitution and Laws Approved by the National Assembly;
- Pursuant to a Resolution of the National Assembly of the Lao People's Democratic Republic, No. 222/NA, dated 8 December 2008, Regarding the Adoption of the Law on Inheritance (Amended); and
- Pursuant to Proposal No. 38/NASC, dated 16 December 2008, of the National Assembly Standing Committee.

The President of the Lao People's Democratic Republic
Decrees That:

Article 1. The Law on Inheritance (Amended) is hereby promulgated.

Article 2. This decree shall enter into force on the date it is signed.

The President of the Lao People's Democratic Republic
[Seal and Signature]
Choummaly SAYASONE

Unofficial translation

**LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY**

National Assembly

No. 222/NA

**RESOLUTION
of the
NATIONAL ASSEMBLY
of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC
On the Adoption of the Law on Inheritance (Amended)**

- Pursuant to Article 53, Item 2 of the Constitution and Article 3, Item 2 of the Law on the National Assembly of the Lao People's Democratic Republic and the Duties of the National Assembly.

After broad consideration of the contents of the Law on Inheritance (Amended) at the 6th Session of the VI General Assembly of the National Assembly at the morning session on 8 December 2008.

The General Assembly Resolves to:

Article 1. Adopt The Law on Inheritance (Amended) by a majority resolution.

Article 2. This resolution shall enter into force on the date it is signed.

Vientiane Capital, dated 8 December 2008
President of the National Assembly
[Seal and Signature]
Thongsing THAMMAVONG

Unofficial translation

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

National Assembly

No. 02/NA
Vientiane Capital, Dated 8 December 2008

LAW ON INHERITANCE
Part I
General Provisions

Article 1 (New). Objectives

The Law on Inheritance determines the principles, regulations, [and] measures on the allocation, inheritance and management of inheritance aiming to ensure correctness and fairness of inheritance, ensuring that the rights and obligations of the owner of the assets and the heir are clearly executed for a peaceful and orderly society.

Article 2. Inheritance

Inheritance refers to the passing of property of the deceased person, including its rights and obligations to the entitled heirs by the operation of the law or under a Will and Testament.

Article 3 (New). Definitions

The terms used in this Law have the following meanings:

1. Inheritance means all types of property belonging to the deceased, including the rights and obligations, except whereby law or a contract provides that the rights and obligations be performed by the deceased while still living;
2. Original assets means the property that was owned by the husband or wife before marriage or acquired after marriage through any inheritance, gift or conditional gift specifically to either the husband or wife and that is still existing or has been transformed into new assets;
3. Matrimonial property means property gained and acquired by the married couple during married life, except for assets for personal use with low value;
4. Unconditional giving means giving one's assets to another party unconditionally while still living. The recipient becomes the rightful owner upon receipt of such assets;
5. Conditional giving means the giving of one's assets to another party conditionally. The recipient becomes the rightful owner once the specified conditions are lawfully fulfilled;
6. Will and Testament means a legal instrument where the owner of the property has notified its intent in writing or transmitted verbally to an individual or organization in the presence of at least three witnesses and such has been recorded;
7. Inheritance through the operation of law means inheritance of the heir as provided by law; and
8. Inheriting by the operation of a Will and Testament means inheritance of by the heir in accordance with the intent of the owner of the assets.

Article 4 (New). Policies of the State Involving Inheritance

The State facilitates, and protects the rights and interests of individuals in the unconditional giving, conditional giving or transfer of assets to individuals, organizations or foundations¹.

The State promotes individuals, organizations or legal entities who receive assets unconditionally, conditionally, through transfer or inheritance to transform such assets or inheritance into capital and use such for business purposes or for public benefit.

Article 5 (Amended). Inheritance of a Person Declared by Court as Deceased

When an individual is declared deceased by a court, the inheritance will pass to the heir(s). If thereafter the said deceased is found to be still living, the successor²(s) shall return the remaining assets so received, but the owner shall compensate the heir for the maintenance costs of such inheritance.

In the event that the individual so declared deceased by a court and at a later time found to be still living, but does not demand the return of his/her property within three years for moveable assets, and five years for immovable property from the date that he/she became aware of the declaration of the court, such property shall belong to the successor.

Article 6. Date of Opening Inheritance

The opening of inheritance commences from the date of the death of the owner of the inheritance/heritage. In the event that the owner of the inheritance is declared deceased by a court, the date of the issuance of the final decision shall be deemed the commencement date of opening of inheritance.

Article 7. Place of Opening Inheritance

The last permanent address of the owner of the inheritance shall be the place of opening of inheritance. If the address of the owner of the inheritance is unclear, the location of major inheritance shall be the place of opening the inheritance.

The opening of inheritance shall take place in the presence of heirs, close relatives and witnesses and undertaken in writing in the presence of a notary public or of the village head in the event that a notary public is unavailable at such place.

Article 8. Types of Inheritance

There are two types of inheritance, namely:

- Inheritance by operation of law; and
- Inheritance in accordance with a Will and Testament.

Part II

Inheritance by Operation of Law

Article 9. Inheritance by Operation of Law

¹As in charities.

²The translator has used the term ‘successor’ as the owner of the property has been found to be still living and therefore cannot be a ‘heir’. Lao uses the same term for ‘heir’ and ‘successor’.

Inheritance by the operation of law will take place in the following cases:

1. Inheritance/ heritage in the absence of a Will and Testament identifying individual or organization heirs;
2. The Will and Testament is invalid or the heirs(s) identified in the Will and Testament become deceased before the opening of inheritance;
3. The heir specified in the Will and Testament fails to collect the inheritance;
4. There remains an outstanding part of heritage from the inheritance by Will.

Article 10. Heirs

Heirs are as follows:

1. Children (offspring, adopted children, stepchildren) of the deceased;
2. The surviving spouse of the owner of the inheritance;
3. Relatives of direct lineage: parents or paternal grandparents and maternal grandparents or great grandparents;
4. Relatives of indirect lineage: older and younger brothers and sisters, or paternal uncles and aunts and maternal uncles and aunts, or nephews and nieces;
5. The State, or legal entities and other individuals as specified in this law.

Article 11 (New). Order of Inheritance

In the distribution of inheritance to heirs as provided in Article 10 above, the closest relatives to the owner of the heritage are entitled to receive their share first. Relatives of the next lower order will only receive a distribution when there remain are no closer relatives of the owner of the heritage.

Article 12. Distribution of Inheritance/Heritage Among the Surviving Spouse and Children

In the event that a spouse dies leaving the other spouse and children behind, the children have the right to inherit the three-quarters of the original assets of the deceased; the remaining quarter shall pass to the surviving spouse.

The matrimonial property shall be divided in half, namely the first half shall pass to the surviving spouse and the other half to be divided into equal parts among the children.

The surviving spouse shall have the right to administer the assets passed to the children who have not reached the age of maturity.

Article 13. Distribution of Inheritance/Heritage Among the Surviving Spouse and Relatives of Direct Lineage In

the event that a spouse dies having had no offspring, leaving behind only a spouse and relatives of direct lineage, the distribution of heritage shall be executed as follows:

1. The surviving spouse shall receive one-third of the original assets of the deceased and the remaining two-thirds shall be divided amongst the relatives of direct lineage; and
2. The surviving spouse shall receive all the matrimonial property of the deceased.

Article 14 (Amended). Distribution of Inheritance Among Relatives of Horizontal Lineage

If the deceased person has neither offspring nor relatives of direct lineage, but leaves behind a spouse, the relatives of indirect lineage by priority of closeness, will only receive half of the original assets of the deceased, and the remaining half and all matrimonial property will pass to the surviving spouse.

The distribution of inheritance among relatives of indirect lineage shall be divided equally.

Article 15. (Amended) Distribution of Inheritance Among the Children of the Deceased

The distribution of inheritance among the children of the deceased person shall be executed as follows:

1. If the deceased only has offspring, the total matrimonial property and original assets shall pass to them and be divided among them equally;
2. If the deceased has offspring, adopted children, and stepchildren, the matrimonial property of the deceased shall be divided equally in accordance with Item 1;
3. Adopted children are entitled to receive the original assets of the deceased in the same manner as offspring. Stepchildren have no right to the original assets of their deceased stepparents; and
4. Adopted children will have no right to inherit from their original parents, unless a Will and Testament of the original parents states such;

Offspring, adopted children, and stepchildren who took care of their parents until death handled the funeral rites, shall be entitled to an allocation of the inheritance of the deceased at a greater portion than other heirs.

Article 16. Right to Inheritance of Unborn Children

Unborn children are entitled to their share of inheritance of the deceased. The mother shall manage the inheritance.

Article 17. Inheritance Between the Head of the Family and Servants

If the head of the family dies and has no heirs, servants who served the family for more than three years will inherit the inheritance.

Similarly, if a servant dies and has no heirs, the head of the family will inherit the servant's inheritance.

Article 18 (Amended). Inheritance without Heirs

When a person dies without heirs or the whereabouts of the heir(s) is unknown and no claim is made within six months, the total inheritance will be administered by the State.

If the period of limitation for a lawsuit expires as provided in Article 40 of this law, such inheritance will become the property of the State. The notary public or village head participating in the opening of the inheritance will determine the appropriation of a part of the inheritance for arranging the funeral of the deceased person and repaying the debts of the deceased.

Article 19 (Amended). Inheritance of Monks and Novitiates

A monk or novitiate who acquired assets prior to becoming ordained or after ordination is entitled to give assets unconditionally, conditionally or make a Will and Testament towards other individuals or organizations in accordance with laws and regulations and has the right to inheritance in accordance with laws and regulations.

In the event that a monk or novitiate dies without heirs or without assigning any asset to any person or organization, all such assets will belong to the temple or religious premises where the relevant party resided.

Article 20. Right to Inheritance of Separated Spouses

Spouses who have separated, but have not yet legally divorced still have the right to inherit from each other.

Article 21. Replacing Heirs

When a legal heir dies before the owner of the inheritance, the remaining heirs of the deceased have the right to the inheritance in order of priority. If the replacing heir dies, the replacing heirs shall receive the inheritance and so forth.

Article 22. Conditions for Replacing Heirs

A replacing heir shall fall under the following conditions:

- Be an heir by the operation of law;
- Be a child of the deceased entitled heir to the inheritance.

Article 23. Right to Waive Inheritance

An heir who has waived the right to inheritance and such inheritance has passed to another party, still has the right to be a replacing, but not of the inheritance of which it waived its right to.

**Part III
Inheritance by Operation of Will and Testament**

Article 24. Right to Make Unconditional Gifts, Conditional Gifts or to Establish a Will and Testament

All citizens have the right to make unconditional gifts, make conditional gifts or to establish Wills and Testaments to a single individual or several individuals, or to State organizations, collectives and social organizations, funds and foundations or reserve a part as a place of worship or for donation to the underprivileged by their own intention prior to death.

Article 25 (Amended). Scope of Rights in Making Unconditional Gifts, Conditional Gifts or the Establishment of Wills and Testaments

An owner of assets who is still living who is to make an unconditional gift, a conditional gift or establish a Will and Testament shall perform as follows:

1. If the owner of the inheritance has one child, it shall not exceed more than half of the total assets;
2. If the owner of the inheritance has two children, it shall not exceed one-third of the total assets;
3. If the owner of the inheritance has three children or more, it shall not exceed a quarter of the total assets.

When making an unconditional gift, a conditional gift or establishing a Will and Testament in excess of the above, such excess shall be null and void and shall be allocated in accordance with the procedures for inheritance by operation of law.

Article 26. Forms of Will and Testament

Wills and Testaments may be made in the two following forms:

1. A written Will and Testament; and
2. A verbal Will and Testament.

Article 27. Written Wills and Testaments

The establishment of a written Will and Testament may be written by the Legator. If it is written by another person, at least three witnesses shall be present, but such shall be kept confidential until the opening of inheritance.

The Will and Testament shall specify the place and date of the establishment of the Will and Testament, the type and quantity of assets to be assigned, the names and surnames of the assignor and assignee(s) and of the writer and witnesses.

The Legator, writer and witnesses shall affix their signatures and thumbprints on the Will and Testament.

Upon establishment, the Will and Testament shall be placed in a wax-sealed envelope and then registered with the office of the notary public where the Legator resides or the nearest location or kept with the village authorities for places where an office of the notary public is not located.

Article 28. Verbal Wills and Testaments

Any owner of assets who is unable to establish a written will due to being in a critical near-death condition, or due to poor health or other causes, may make a verbal will in the presence of at least three witnesses.

These witnesses shall immediately notify the instructions of the Legator to the office of the notary public or the village authorities and clarify the reasons why such owner of the assets is unable to make a written Will and Testament.

A verbal Will and Testament will be unenforceable one month from the date that the owner of the assets returns to a state normal health condition.

Article 29. Reserve Heirs

The owner of the assets has the right to appoint a reserve heir to replace the heir originally designated in the event that the original heir becomes deceased prior to the opening of the opening of the inheritance in accordance with the Will and Testament.

Article 30. Rights of Heirs by Operation of Will and Testament

The heir of an inheritance by the operation of a Will and Testament still has the right to inheritance by operation of Law.

Article 31. Persons not Entitled to Receive Property through Written Will and Testament

The writer of the Will and Testament, witnesses to the Will and Testament and the spouse and children of the relevant party are not entitled to receive property assets through the operation of a Will and Testament.

Article 32 (Amended). Appointment of an Inheritance Administrator

The owner of the assets may appoint an inheritance administrator if he/she wishes to establish a Will and Testament in favor of a person who has not reached the age of maturity or has no capacity to act.

Such inheritance administrator may appoint another person to replace him/her as the inheritance administrator, unless the owner of the assets provides otherwise in the Will and Testament.

The rights of the inheritance administrator will expire when the child reaches maturity or when the person without the capacity to act recovers to a normal condition.

Article 33 (Amended). Alteration or Cancellation of a Will and Testament

The owner of the assets has the right to alter or cancel a Will and Testament that he/she has established at any time by making a new Will and Testament.

Such newly established Will and Testament will replace the whole or part of the previous Will and Testament where it conflicts with the new Will and Testament.

Article 34. Causes Leading to Cancellation of a Will and Testament

An established Will and Testament will be canceled for the following causes:

1. The heirs by operation of Will and Testament become deceased before the Legator;
2. The heirs by operation of Will and Testament waive their rights to the inheritance;
3. The Property to be passed down by operation of Will and Testament is lost or destroyed by the Legator; and
4. Where the Will and Testament is recognized as invalid.

Article 35. Invalid Wills

A Will and Testament shall be invalid in the following cases:

1. The Will and Testament is established by a person who is under the age of maturity or has no capacity to act;
2. The intent of the Will and Testament is unclear;
3. The Will and Testament is established under force, by deceit, or forgery; and
4. The Will and Testament is established in favor of persons stated in Article 38 of this law.

Article 36 (Amended). Appointment of an Executor of the Will and Testament

An Executor of a Will and Testament may be appointed by:

1. The owner of the property;
2. A person named in the Will and Testament or any heir with the right of inheritance;
3. The People's Court in the event that the owner of the property failed to appoint an Executor of the Will and Testament, the appointee becomes deceased, disappears, becomes incapable to act, has no intention to act or is unable to act.

Article 37. Rights and Obligations of the Executor of the Will and Testament

The Will and Testament may only be executed once the owner of the property has died.

The Executor of the Will has the right to do all that is deemed necessary and suitable in order to execute the Will and Testament.

The Executor of the Will and Testament shall not receive any bonus for the execution of the Will and Testament, but is entitled to compensation for necessary expenses in the preservation and administration of the inheritance.

The Executor of the Will and Testament has the obligation to notify the heirs regarding the execution.

Part IV

Acceptance, Waiver, Forfeiture of Right to Inheritance

Chapter 1

Acceptance and Waiver of Inheritance

Article 38 (Amended). Request for Opening of Inheritance

Any heir may request the opening of inheritance at any time, except as otherwise provided in the Will and Testament or as agreed otherwise.

If there is an heir who has not yet reached the age of maturity, the distribution of the heritage may be postponed until such heir reaches the age of 18 years. In the event that the inheritance is distributed at that time, such shall be attended by an officer of the notary public or the village chief in order to be certified.

In all cases, if a spouse dies and the surviving spouse has remarried, the children may request distribution of the inheritance.

Article 39. Making an Inventory of Inheritance

Prior to distribution of inheritance, an inventory of the property of the owner of the inheritance shall be made as follows:

1. Property that the owner of the inheritance has lent, consigned, mortgaged or pledged to others, been embezzled, concealed, or misappropriated by others prior to death;
2. Funeral expenses and repayment of the debts of the owner of the inheritance.

After settling the list of receivables and expenses, the inheritance may be divide in their respective parts.

Article 40 (Amended). Period of Limitation for Claims on Inheritance

Claims for inheritance may be made within three years from the date of the death of the owner of the inheritance, After such period has passed, the right to bring a claim will be terminated, except in the event that the claimant has not reached the age of 18 years after the death of the owner of the inheritance or other sufficient reasons.

Article 41. Distribution of Inheritance Under the Administration of an Heir

An heir administering inheritance that has yet to be distributed has the has the right to request the distribution of such inheritance at any time regardless of whether the period of limitation provided in Article 40 of this law has passed.

Article 42 (Amended). Acceptance of Inheritance

A heir by operation of law will be deemed a recipient of the inheritance once he/she expresses his/her intention to accept the inheritance before the village administration authorities where the inheritance was opened.

An heir by operation of a Will and Testament will be deemed a recipient of the inheritance once he/she expresses his/her intention to accept the inheritance before the office of the notary public or village administration authorities where there is no office of the notary public.

Acceptance of the inheritance shall be made within six months of opening the inheritance.

In the event that an heir waives his/her right to inheritance, the person accepting the inheritance of the waiver shall express his/her intention to accept such inheritance within the remaining period. If the remaining period is less than three months, the person who wishes to accept the inheritance has the right to request the court for an extension of such period but by not more than three months.

An officer of the notary public or the village chief shall issue a certificate of inheritance to the heir(s) as evidence.

Article 43. Inheritance which is not Accepted within Due Time

Inheritance which is still in its original form passed down to any heir who has not accepted it within the period stated in Paragraph 3, of Article 42 of this Law, but which has been accepted by another heir or handed over to the State will be returned to the original heir who failed to accept the inheritance, only if the recipient heir or the State gives its consent. If consent is not provided, the court will consider a decision in favor of the original heir if there is sufficient reason.

In the event that an heir by operation of law or by operation of a Will and Testament dies after the opening of inheritance, but did not accept his part of the inheritance within the period stated in Paragraph 3, Article 42 of this Law the heirs of the deceased shall be entitled to the inheritance.

Article 44. Scope of Rights to Decide over Inheritance

Prior to the opening of inheritance or the receipt of certificates of acceptance of inheritance, the guardian or heir administering the inheritance shall have no right to decide over such inheritance, excepts in instances where expenses have been paid for the following:

1. Care, medical treatment or the funeral expenses of the owner of the inheritance;
2. Care of individuals under the support of the owner of the inheritance;
3. Payment of wages and other obligations of the owner of the inheritance; and
4. Preservation and administration of the inheritance.

Article 45. (Amended) Waiver of Inheritance

Heirs by operation of law or by the operation of a Will and Testament may waive their inheritance in favor of an individual, State organization, foundation or any fund. Such waiver shall be made within six months from the date of the opening of inheritance.

Persons waiving their inheritance awarded by operation of law shall express their intent in writing to the village administration authorities stating the name of the individual or the organization that has received its favor.

Persons waiving their inheritance awarded by operation of Will and Testament shall express their intent in writing to office of the notary public stating the name of the individual or the organization that has received its favor.

In the event that such persons or organizations are not identified, the inheritance so waived will pass to other heirs by operation of law.

Article 46. Waiver of Inheritance by Persons Having No Capacity to Act

Heirs who have not yet reached the age of 18 years or have no capacity to act will not be able to waive their inheritance, unless their parents or their guardians consent.

Chapter 2 Forfeiture of Right to Inheritance

Article 47 (New). Forfeiture of Right to Inheritance

Heirs will forfeit their right to inheritance as follows:

- In the event of fraud or misappropriation of inheritance; and
- Cases provided in Articles 49 and 50 of this Law.

Article 48. Fraud or Misappropriation of Inheritance

Heirs who defraud, concealing or misappropriate inheritance that exceeds their share of entitlement will not receive any part of the inheritance and shall also return all the inheritance that was taken. If the defrauding, concealing or misappropriation is less than or equal their share of entitlement, they shall not receive their share.

This article will not apply to heirs by operation of Will and Testament whom the owner of the inheritance has awarded the inheritance to the heirs.

Article 49 (Amended). Forfeiture of Right to Inheritance of Parents and Children

Parents losing their rights of parenthood pursuant to a decision of a court will not have the right to inherit property from their children, similarly, the children will not have the right to inherit from their parents, except where the child has not yet reached maturity.

In the event that parents are declared by a decision of a court to have not fulfilled their obligations in raising their their children, they will not have the right to inherit from their children. Children who reach maturity and are declared by a decision of a court to have not fulfilled their obligations in caring for their parents will similarly not have the right of inheritance from their parents.

Article 50. Persons Forfeiting the Right to Inheritance by Operation of Law and by Operation of Will and Testament

Persons forfeiting the right to inheritance by operation of law or by operation of Will and Testament are as follows:

1. Persons declared by a court decision as having intentionally caused or attempted to cause death or serious injury to the owner of the assets or the entitled heirs in order to gain the assets;
2. Persons destroying, concealing or forging Will and Testaments in whole or in part;
3. Persons residing in the same province or district as the deceased who, upon learning of the death, fail, without any reason, to either arrange a funeral or to entrust another person to undertake such on their behalf;
4. Persons who force the owner of the assets to make, revoke or alter a Will and Testament in whole or in part;
5. Persons concealing or hiding violators who have affected the life or health of the owner of the inheritance by causing serious injury to or disability; and
6. Persons whom a court has declared have been unfaithful to the owner of the assets or heirs as provided in Article 163 of the Penal Code.

The persons stated above will only lose their right to inheritance when the owner of the inheritance states his/her intention in writing, except where the owner of the inheritance becomes deceased in accordance with Items 1, 3 and 5 of this Article.

If the individuals stated above have acted unjustly, refused to be under the guardianship of their parents, refused to take care of their parents during old-age or in times of sickness and had the capability to do so shall forfeit their right to inheritance and shall perform in accordance with Paragraph 49 of this Law.

Article 51 (New). Cancelation of Forfeiture of Right to Inheritance

The owner of the inheritance may cancel the forfeiture of right to inheritance as provided in Article 50 by giving its intent under evidence or in the presence of witnesses.

Part V
Administration of Inheritance and Responsibilities of Heirs
Chapter 1
Administration of Inheritance

Article 52 (Amended). Administration of Inheritance

Upon a request for the administration of inheritance or in cases of necessity, the officers of the notary public or the village chief at the place of opening of inheritance takes place shall determine measures for the administration of inheritance or appoint an administrator of inheritance in order to ensure the interests of heirs and creditors.

Article 53 (Amended). Person not Entitled to be Administrators of Inheritance

Persons not entitled to be administrators of inheritance are as follows:

1. Persons who have not reached the age of 18 years;
2. Persons with no capacity to act;
3. Persons declared bankrupt by the court who are in the period of prohibition; and
4. Persons who have had their rights to parenthood withdrawn and persons who have forfeited their right to inheritance pursuant to Articles 49 and 50 of this Law.

Article 54. Rights and Duties of Administrators of Inheritance

The rights and duties of administrators of inheritance are as follows:

1. To establish an inventory of the inheritance in the presence of the heirs. In the event any heir is unable to attend, the administrator of the inheritance shall be notified, the making of such inventory shall be undertaken in the presence of at least two-thirds of the total heirs and shall be completed within one month of the appointment of the administrator; and
2. To receive the claims of creditors and to settle the debts of the Legator debts before the heirs receive the inheritance;
3. To distribute the inheritance to the heirs according to their respective parts.

The administrator of the inheritance has no right to claim for any allowance for the administration of the heritage, unless the heirs are willing award such.

Article 55. Cancellation of the Appointment of the Administrator of the Inheritance

If any administrator fails to perform its rights and duties or performs carelessly or without good faith, the relevant officer of the notary public or village chief has the right to cancel the appointment of such administrator and appoint a new administrator as a replacement within seven days from the date of such cancellation.

Chapter 2
Responsibilities of Heirs

Article 56. Settlement of Debts

Heirs, by operation of law or by operation of Will and Testament shall be responsible for the settlement of debts of the owner of the inheritance up to the amount of inheritance received.

If the heritage has not yet been distributed, the creditor has the right to claim for settlement of all debts from the heirs or from the administrator of the inheritance.

If the inheritance has been distributed, the creditor may request any of the heirs to settle the debts. In the event that any heir settles the debts to the creditor in excess of the part of the inheritance that such heir has received, other heirs shall reimburse such payment to such heir in equal amounts.

If any heir is unable to settle debts according to his/her part, the other heirs shall settle the debts of the creditor on his/her behalf in equal parts.

The settlement of the debts of the owner of the inheritance heritage shall be borne only from the property of the inheritance.

Article 57. Period for Making Claims for the Settlement of Debts

The creditor has the right to claim for settlement of debts against heirs who have received the inheritance or from the administrator or the executor of the Will and Testament or to submit a request for debt settlement to the office of the notary public or the head of the village administration authorities where the opening of inheritance took place, or to the courts within six months of the opening of inheritance.

If the creditor has not made any claim or submitted a request for settlement of debts within six months, the creditor will have no further rights without sufficient reason.

Article 58. Distribution of Inheritance where no Agreement Can be Reached

If no agreement can be reached on the distribution of inheritance among heirs, the court will decide if claims are made.

Part VI (New) Prohibitions

Article 59. Prohibitions on Heirs

Heirs are prohibited from the following acts:

- Use the inheritance for personal gain in the event that the inheritance has yet to be divided, except where consented by other heirs;
- Defraud, misappropriate, destroy, withhold inheritance that has not been divided;
- Threaten, use violence against, bribe an administrator of inheritance, village chiefs, officers of the public notary in relation to inheritance;
- Threaten, and use violence against the owner of assets or other heirs in relation to inheritance; and
- Induce the owner of the assets to make a Will and Testimony, make an unconditional gift or make a conditional gift.

Article 60. Prohibitions on Administrators of Inheritance

Administrators of inheritance are prohibited from the following acts:

- Making an inventory of inheritance not in the presence of heirs;
- Refuse to accept claims of creditors and repay the debts of the owner of the assets;
- Demand allowances for the administration of inheritance, except where the heirs offer such;
- Defraud, misappropriate, destroy inheritance under its administration;
- Threaten and use violence against heirs;
- Use inheritance for personal gain; and
- Delay, or withhold the allocation of inheritance to heirs.

Article 61. Prohibitions on Executors of Will and Testaments

Executors of Will and Testaments are prohibited from the following acts:

- Execute Will and Testaments outside the intention of the owner of the assets;
- Defraud, misappropriate, and use inheritance; and
- Delay or withhold the allocation of inheritance to heirs.

Article 62. Prohibitions on Village Chiefs, Officers or Responsible Individuals

Village chiefs, responsible officers or individuals are prohibited from the following acts:

- Open Will and Testaments while the owner of the inheritance is still living, or open Will and Testaments outside the presence of heirs;
- Delete, add, falsify or destroy Will and Testaments;
- Act favorably towards certain heirs;
- Provide an invalid certification or falsify inheritances; and
- Delay or withhold the registration of rights of ownership of heirs who received inheritance.

Article 63. Prohibitions on Officers of the Notary Public

Officers of the notary public are prohibited from the following acts:

- Peak at or reveal the contents of Will and Testaments while the owner of the assets is still living or open Will and Testaments outside the presence of heirs;
- Delete, add, falsify or destroy Will and Testaments;
- Act favorably towards certain heirs;
- Provide an invalid certification or falsify inheritances; and
- Delay or withhold the issue of certification of inheritance documents.

Part VII (New)**Incentives for Good Performance and Measures Against Violators****Article 64 (New). Incentives for Good Performance**

Individuals or organizations that perform well in the implementation of this Law will be commended or receive other incentives as deemed appropriate.

Article 65 (New). Measures Against Violators

Individuals or organizations that violate this Law shall be educated, face disciplinary measures, fined, be subject to civil procedures or criminal punishment depending on the severity of the case.

Part VIII (New)**Final Provisions****Article 66 (New). Implementation**

The Government of the Lao People's Democratic Republic is responsible for the implementation of this Law.

Article 67 (New). Effectiveness

This Law shall be effective from the date that the President of the Lao People's Democratic Republic issues the Promulgating Decree.

All amended and added Articles shall be effective 60 days from the date that the President of the Lao People's Democratic Republic issues the Promulgating Decree.
Provisions and regulations that conflict with this Law are hereby repealed.