

What is a marriage out of community of property with the accrual system?

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With a marriage out of community of property with the accrual system each spouse still has his/her own estate with assets and liabilities. Neither can be held liable for the debts of the other.

As soon as the marriage is however dissolved through death or divorce a redistribution of assets is done according to the following formula:

The spouse who's accrual of his/her estate during the marriage is smaller, is entitled to half of the difference between the accruals of the two estates.

Accrual = the beginning value of estate less the end value thereof.

The beginning values is stipulated in the marriage contract, whilst the end value has to be calculated as soon as the marriage is dissolved. Should no beginning value be mentioned in the marriage contract, it is regarded as nil.

Where the marriage is dissolved through death, the will of the deceased spouse (or the law of intestate succession in the absence of a will) will determine what happens to the balance of the assets of the deceased after the accrual claim has been considered.