

# **Regarding the Recognition of "Successive Bequests" Under the Civil Code: Focusing on their Acceptability in Property Law and Succession Law**

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## **Abstract**

A "successive bequest" refers to a situation where the testator designates a first beneficiary and a second beneficiary in the will. The property is initially bequeathed to the first beneficiary at the commencement of the inheritance, and upon the death of the first beneficiary, the same property is then bequeathed to the second beneficiary. This research cites recent court decisions to illustrate the differing perspectives on the validity of "successive bequests" between civil and administrative courts, which remain inconclusive. Therefore, it is necessary to engage in a deeper and more proactive exploration of the theoretical recognition of "successive bequests". Potential conflicts between such testamentary dispositions and the Civil Code include ambiguous legal relationships that impede safety of transactions, violations of the permanence of ownership, and interference with the statutory inheritance of the first beneficiary's property, thus contravening the order of succession law. In Japan, extensive discussions have taken place regarding the recognition of "successive bequests," with scholarly consensus shifting from initial denial to recent acceptance. Drawing on scholarly and practical perspectives from Japan, this research examines the possible legal framework for "successive bequests" in Taiwan and whether such bequests violate the legal order. Upon examination, this research concludes that through interpretation theory and registration of caution, the issues of ambiguous legal relationships and interference with the statutory inheritance can be addressed.

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"Successive bequests" involve adding conditions or time limits to the act of bequest rather than to the ownership itself, thereby not violating the permanence of ownership. In summary, "Successive bequests" can be structured as conditional or time-bound bequests and do not violate the legal order in Taiwan. Therefore, it is advisable for the court to clearly recognize their validity, enabling elderly individuals to use this type of bequest to address the challenges brought about by social transformation.

**Keywords: super-aged society, bequest, successive bequest, conditional bequest, time-bound bequest, the validity of bequest**