

# AUSÊNCIA

Aula 5

Prof. Cristiano de Sousa Zanetti czanetti@usp.br

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# MORTE

-  **Real**
  - Paralisação da atividade encefálica
  - Art. 3º, da Lei 9.434/97
-  **Presumida**
  - Desaparecimento em situação de risco
  - Término das buscas
-  **Ausência**
  - Desaparecimento
  - Inexistência de representante

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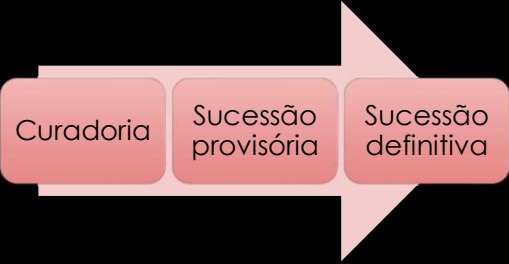
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# FASES



Curadoria → Sucessão provisória → Sucessão definitiva

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FATOS

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CURADORIA  
Tutela dos bens do ausente

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INÍCIO

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**ENUNCIADO CEJ - 2002**

97 – No que tange à tutela especial da família, as regras do Código Civil que se referem ao cônjuge devem ser estendidas à situação jurídica que envolve o companheirismo, como, por exemplo, na hipótese de nomeação do curador dos bens do ausente.

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**TÉRMINO**

**Curadoria**

- Reaparecimento
- Morte real
- Sucessão provisória

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**SUCCESSÃO PROVISÓRIA**

Distribuição precária dos bens do ausente

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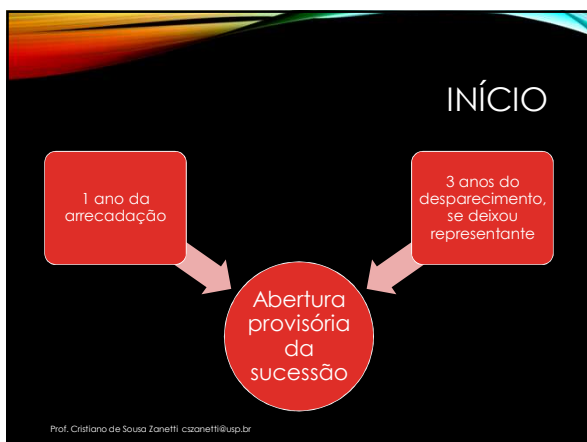
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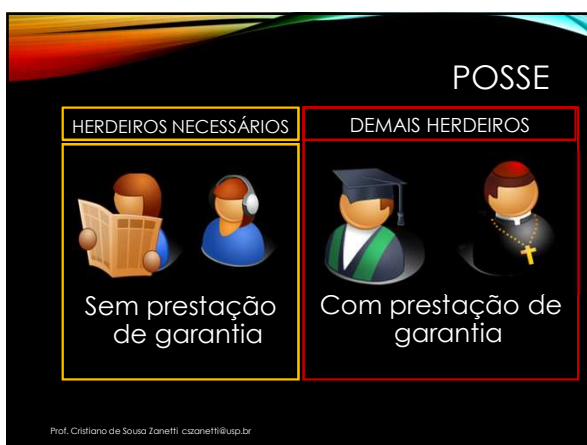
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### FRUTOS

HERDEIROS NECESSÁRIOS	DEMAIS HERDEIROS
 Apropriação integral	 Capitalização de metade

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### FRUTOS



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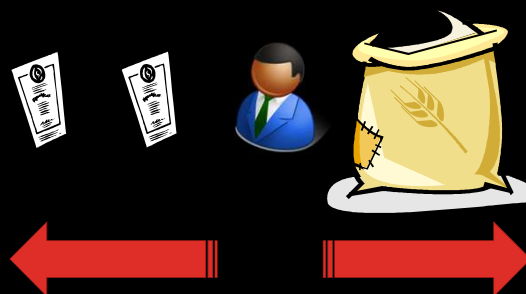
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### RETORNO



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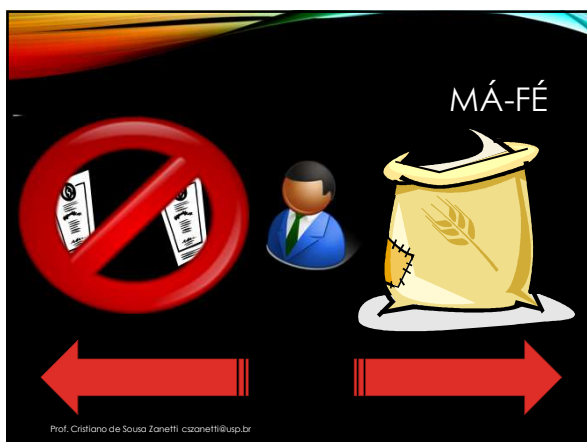
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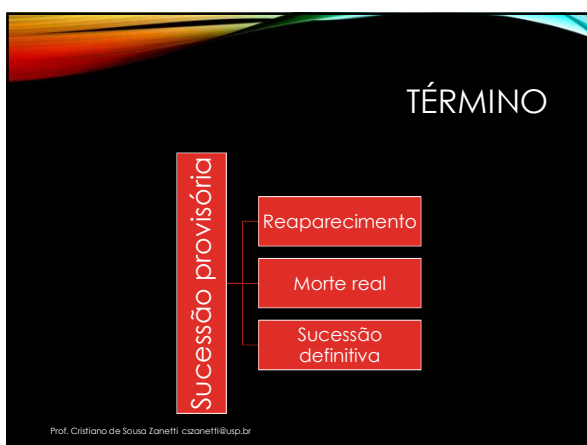
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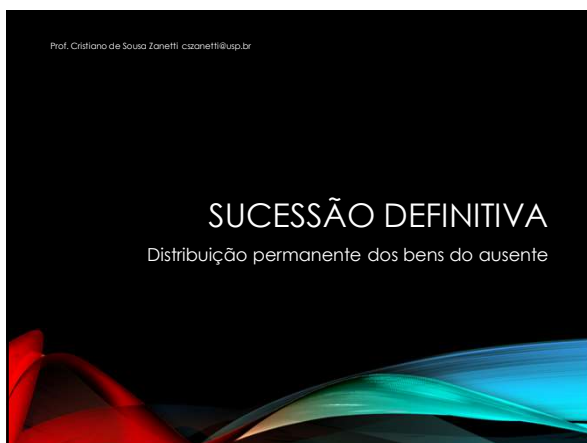
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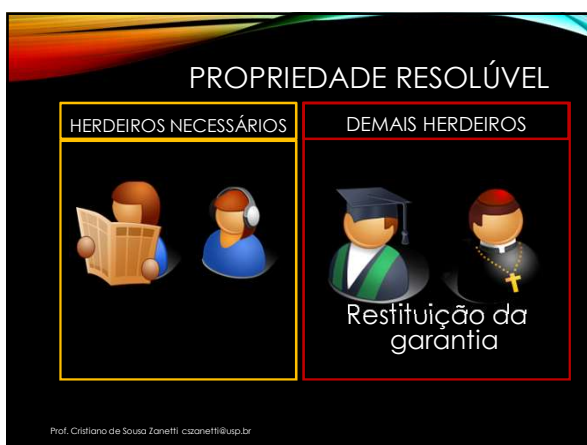
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### RETORNO

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### ESTADO CIVIL

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### TÉRMINO

Sucessão definitiva

- Reaparecimento
- Morte real
- 10 anos da abertura da sucessão definitiva

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