

# Doação

Aula 23

Prof. Cristiano de Sousa Zanetti cizzanetti@usp.br

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# Generalidades

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# Classificação

Características

- Solene
- Unilateral
- Gratuito

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### Elementos



Atribuição patrimonial



Liberalidade

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### Forma



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### Aceitação



Expressa



Presumida



Dispensada

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**Doações proibidas**  
*Plano da validade*

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**Doações inválidas**

**Sanções**

- Nulidade
  - Exauriente dos meios de subsistência
  - Ofensa à quota hereditária
- Anulabilidade
  - Cônjuge adúltero

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**Revogação**  
*Plano da eficácia*

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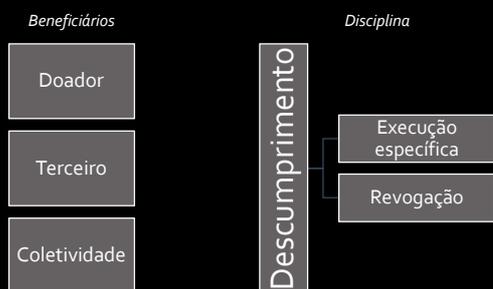
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## Inexecução de encargo



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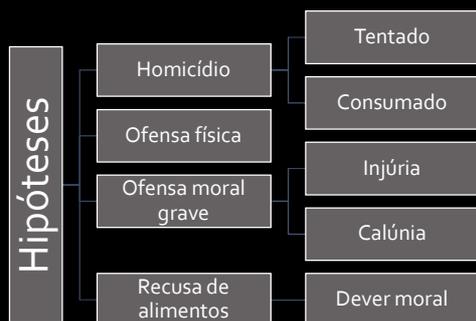
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## Revogação por ingratidão



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## Comparativo

1916

- Art. 1.183. Só se podem revogar por ingratidão as doações [...].

2002

- Art. 557. Podem ser revogadas por ingratidão as doações: [...].

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## Enunciado CEJ - 2002

33 – Art. 557: O novo Código Civil estabeleceu um novo sistema para a revogação da doação por ingratidão, pois o rol legal previsto no art. 557 deixou de ser taxativo, admitindo, excepcionalmente, outras hipóteses.

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## Doações irrevogáveis



Puramente remuneratória



Encargo já cumprido



Cumprimento de obrigação natural



Casamento

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## Adiantamento de herança

*Plano da eficácia*

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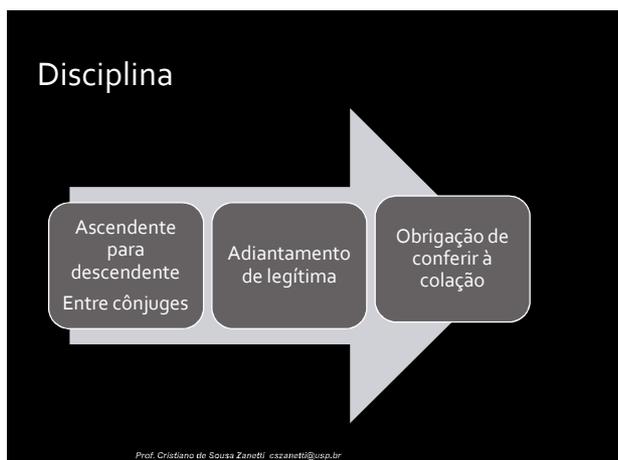
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