

**ALLOCATING A SHARE FROM THE COMMON PROPERTY AND ITS
DISTRIBUTION.**

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Abstract: In this article, the concept of common property, types of common property, the procedure for dividing and distributing a share of common property, the protection of common property, the norms contained in regulatory legal documents on the regulation and distribution of common property between spouses, laws regulating relations with common property documents and their contents are described.

Key words: Real estate, division of share from common property, distribution, common property between spouses.

According to Article 17, Part 1 of the Universal Declaration of Human Rights, everyone has the right to own property individually and jointly with others.[1]

Property in joint ownership can be divided between participants in accordance with their agreement. According to Article 223 of the Civil Code of the Republic of Uzbekistan, the participant of the joint property has the right to demand the transfer of his share from the joint property. This right of his comes from his right to dispose of the share in common property.[2]

Distribution of property in joint ownership means the transfer of these parts of the property to the ownership of each of the co-owners in proportion to their shares in the common property right and the termination of joint ownership of this property. Separation of a share from the common property refers to the transfer of a part of this property to the property of the participant of the common property in proportion to his share in the common property right, and the right to the share in the common property is canceled for this person. Both distribution and separation can be carried out by mutual agreement of the participants of common shared property. In this case, each of them will have the right to demand the allocation of their share. The consent of other participants of the shared property is not required to exercise this right.[3]

The amount of co-owners' shares is of great importance not only in the ownership and use of common property, in the distribution of harvests, products and income, but also in covering the costs of its maintenance and upkeep. Each co-owner is obliged to participate in the costs of maintaining the common property in proportion to his share.[4]

The type of property in shared ownership affects the order of its distribution or allocation of shares. Property may be distributed in kind, provided the law allows and it does not cause disproportionate damage to the property. Under the same conditions, it will be possible to distribute the share in kind. If it is not allowed to divide the property in kind or to divide the share, it can be done in other ways, for example, by selling the entire property and dividing the proceeds by shares, or by paying the value of his share to the parting co-owner to give.

Indivisible property cannot be distributed in kind. Distribution is carried out by selling the item and paying each participant of the common property a monetary contribution proportional to his share in the common property. The share can be implemented by the co-owners by paying the share of the money contribution to the departing participant of the common property.

If the participants of common property do not agree on the method and conditions of distribution and separation, the dispute that has arisen must be resolved in court as a civil rights dispute. In this case, the co-owner, whose contribution is separated, has the right to demand that his share be separated in kind, according to the general rule. When it is not possible to make such an allocation with respect to the share, this disparity is eliminated by paying the appropriate amount of money or paying a contribution in a different manner. Depending on whether it exceeds the share in the right to share in kind, the obligation to pay compensation is imposed on the co-owner who is separating in favor of other participants of the shared property, or vice versa, on other co-owners in favor of the co-owner who is separating.

In judicial practice, there are many cases where a co-owner with a small share requests to divide it (for example, an heir with 1/16 share in a three-room apartment asks for it to be divided). In this case, the court has the right to charge the owner with a small share, without his consent, to pay compensation to other co-owners. The court determines how much the share is worthless.[5]

When it is not possible to separate from the common property without harming its economic purpose, the owner of the share can take a fee corresponding to the amount of the share, with the consent of the owner. If he is unable to pay in cash, the common property is sold and its amount is divided among the partners.

Owners of joint property in relation to housing have the right to divide the housing according to their respective shares, as a result of which each of them can be attached to a separate part of the housing (apartment or separate room).[6]

When dividing common property, according to the fourth part of Article 28 of the Family Code of the Republic of Uzbekistan, the property or its value spent by one of the husband or wife against the will of the husband or wife and not in the interest of the family is taken into account. If the husband or wife hid, damaged or destroyed the common property, the court divides the property based on the general principles of family and civil law (similarity of law), as well as the principles of honesty and justice. may consider this property or its value (Article 7 of the Family Code of the Republic of Uzbekistan).[7]

The obligations of the spouses can be fulfilled at the expense of common property, depending on the basis of their origin. If the obligation arises from the actions of the husband and wife in the interest of the common economy or family, the debt is definitely collected from the common property.

If the obligation arises from the personal debts of the husband or wife, the debts of the obligation are recovered from their personal property or from their share of the common property. If it is proved by a court verdict that the common property of the spouses was accumulated or increased due to crime, all the property brought as a result of the crime will be recovered from the account

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