

Anna Młodawska

**ADVANCED**  
**LEGAL ENGLISH**  
**FOR POLISH**  
**PURPOSES**

second edition



**LEGAL ENGLISH EXPERT**

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**Wydawca**

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# UNIT 1

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## **SERVITUDES**

## Exercise 1 – Reading – Multiple Choice

Choose one of the three options for each gap.

**SOURCE TEXT** (Louisiana<sup>1</sup> Civil Code Art. 533, 534, 646, 648, 706):

There are two kinds of servitudes. (...)

A/an <sup>(1)</sup> \_\_\_\_\_ servitude is a charge on a thing for the benefit of a person. (...)

A/an <sup>(2)</sup> \_\_\_\_\_ servitude is a charge on a/an <sup>(3)</sup> \_\_\_\_\_ estate for the benefit of a/an <sup>(4)</sup> \_\_\_\_\_ estate. (...)

Neither <sup>(5)</sup> \_\_\_\_\_ nor <sup>(6)</sup> \_\_\_\_\_ of the two estates is necessary for the existence of a predial servitude. It <sup>(7)</sup> \_\_\_\_\_ that the two estates be so located as to allow one to <sup>(8)</sup> \_\_\_\_\_ some benefit from the charge on the other.

Predial servitudes are either <sup>(9)</sup> \_\_\_\_\_ or <sup>(10)</sup> \_\_\_\_\_

<sup>(9)</sup> \_\_\_\_\_ servitudes are those that give the right to the owner of the dominant estate to do a certain thing on the servient estate. (...)

<sup>(10)</sup> \_\_\_\_\_ servitudes are those that <sup>(11)</sup> \_\_\_\_\_ on the owner of the servient estate the duty to <sup>(12)</sup> \_\_\_\_\_ from doing something on his estate. (...)

- |      |                 |                   |                 |
|------|-----------------|-------------------|-----------------|
| (1)  | (a) individual  | (b) personal      | (c) personified |
| (2)  | (a) predial     | (b) land          | (c) area        |
| (3)  | (a) servient    | (b) servant       | (c) serving     |
| (4)  | (a) powerful    | (b) authoritative | (c) dominant    |
| (5)  | (a) continuity  | (b) contiguity    | (c) contingency |
| (6)  | (a) proxy       | (b) proximate     | (c) proximity   |
| (7)  | (a) sufficient  | (b) suffices      | (c) enough      |
| (8)  | (a) derive      | (b) move          | (c) transfer    |
| (9)  | (a) affirmative | (b) active        | (c) exhaustive  |
| (10) | (a) negative    | (b) lazy          | (c) passive     |
| (11) | (a) impose      | (b) lay           | (c) lie         |
| (12) | (a) stop        | (b) abstain       | (c) cease       |

.....  
<sup>1</sup> Louisiana law is used in this book as a major source because Louisiana is the only state in the United States which has civil law (based on Roman law, having the same origins as Polish law) instead of common law, which is the system of the remaining states of the USA, the UK (except for Scotland, which has a mixed system), Canada (except for Quebec, which has a mixed system), Australia.

## Exercise 2 – Comparative Vocabulary Practice

Match the terms chosen in the previous exercise with their Polish equivalents specified below.

- (a) służebność czynna – \_\_\_\_\_  
(b) służebność bierna – \_\_\_\_\_  
(c) nieruchomości władnąca – \_\_\_\_\_  
(d) nieruchomości obciążona – \_\_\_\_\_  
(e) służebność osobista – \_\_\_\_\_  
(f) służebność gruntowa – \_\_\_\_\_  
(g) bliskość – \_\_\_\_\_  
(h) przyleganie do siebie / stykanie się – \_\_\_\_\_  
(i) nałożyć coś na kogoś (np. obowiązek) – \_\_\_\_\_  
(j) wystarczać – \_\_\_\_\_  
(k) powstrzymać się od – \_\_\_\_\_  
(l) czerpać (np. korzyść) – \_\_\_\_\_

### Visualisation 1

Study the following Visualisations attached at the end of this book:

- SERVITUDES (No. 38)
- DOMINANT AND SERVICENT ESTATE (No. 12)

## Exercise 3 – Listening – Questions

*The recording of this listening is available for download for free from the website [www.legalenglishexpert.pl/advanced](http://www.legalenglishexpert.pl/advanced)  
Nagranie tego listeningu można pobrać bezpłatnie ze strony [www.legalenglishexpert.pl/advanced](http://www.legalenglishexpert.pl/advanced)*

Listen to an excerpt from the Louisiana Civil Code and answer the following questions:

1. How many types of personal servitudes are there and what are they called?

\_\_\_\_\_

\_\_\_\_\_



2. What is the difference between usufruct and right of use?  
 \_\_\_\_\_  
 \_\_\_\_\_
3. Is it possible to sell habitation?  
 \_\_\_\_\_  
 \_\_\_\_\_
4. What is a person having the right of habitation obliged to do?  
 \_\_\_\_\_  
 \_\_\_\_\_
5. Is it possible to establish a servitude with a view to obtaining a benefit in the future and having no benefit at the time of the servitude's establishment?  
 \_\_\_\_\_  
 \_\_\_\_\_

### Exercise 4 – Vocabulary Extension – Word Building

**PART 1:** In the listening in Exercise 3, the following expressions were used: usufruct, expiration, charge, to confer, to alienate, to encumber. Before doing this exercise, find these expressions in the transcript of the listening and see how they are used in a context.

**PART 2:** Fill in the first column of the table with the following verbs:

*to lapse, to elapse, to dispose of, to confer something on somebody,  
 to use, to buy, to charge, to expire, to vest something in somebody,  
 to burden, to acquire, to grant something to somebody, to alienate,  
 to encumber, to purchase, to sell*

obciążyć	obciążenie

zbyć	zbycie
	x2
nabyć	nabycie
sprzedać	sprzedaż
kupić	kupno, zakup
wygasnąć, upłynąć	wygaśnięcie, upływ
	x2
upłynąć	upływ
udzielić, nadać, przyznać (np. prawo)	udzielenie, nadanie, przyznanie
użytkować	użytkowanie
	x2

**PART 3:** In the second column, create nouns from each of the verbs in the first column. Sometimes the only possibility is the gerund form.

### Visualisation 2

Study the following Visualisations attached at the end of this book:

- USUFRUCT (No. 46)
- ACQUISITION AND ALIENATION (No. 1)

---

## Exercise 5 – Vocabulary Extension – Paraphrasing

---

Create two alternative versions of each of the sentences numbered 1–3 so that each of the three sentences uses a different one of the following three expressions: *to be sufficient, to suffice, to be enough*.

---

### Example from the listening in Exercise 3:

“There must be a benefit to the dominant estate. The benefit need not exist at the time the servitude is created; a possible convenience or a future advantage **suffices** to support a servitude.”

Version 2: a possible convenience or a future advantage **is sufficient** to support a servitude

Version 3: a possible convenience or a future advantage **is enough** to support a servitude

1. “An English local authority must secure, so far as is reasonably practicable, that the provision of childcare (whether or not by them) is sufficient to meet the requirements of parents in their area who require childcare in order to enable them – (a) to take up, or remain in, work, or (b) to undertake education or training which could reasonably be expected to assist them to obtain work.” (*UK Childcare Act 2006, Article 6 (1)*)

Version 2: \_\_\_\_\_  
\_\_\_\_\_

Version 3: \_\_\_\_\_  
\_\_\_\_\_

2. “For such purposes, a copy of the detailed record from the secretary of state web site evidencing that the company is in good standing shall suffice.” (*Louisiana Revised Statutes 30 §123.1*)

Version 2: \_\_\_\_\_  
\_\_\_\_\_

Version 3: \_\_\_\_\_  
\_\_\_\_\_

3. “Where on a charge of murder there is evidence on which the jury can find that the person charged was provoked (whether by things done or by things said or by both

together) to lose his self-control, the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the jury (...)” (*UK Homicide Act 1957, Article 3*)

Version 2: \_\_\_\_\_  
\_\_\_\_\_

Version 3: \_\_\_\_\_  
\_\_\_\_\_

---

## Exercise 6 – Reading and Speaking – Paraphrasing

---

Explain the meaning of the underlined sentences in an easily understandable way. Imagine that you were to explain them to your English-speaking client. You can discuss your solutions in pairs but do not ask your teacher for explanation. If you do not understand any words, try to guess their meaning.

---

**SOURCE TEXT** (Louisiana Civil Code – Articles 689, 705, 707, 710, 711, 714, 725, 740, 742, 753, 754, 758):

**Art. 689.** Enclosed estate; right of passage.

The owner of an estate that has no access to a public road may claim a right of passage over neighboring property to the nearest public road. He is bound to indemnify his neighbor for the damage he may occasion.

**Art. 705.** Servitude of passage.

The servitude of passage is the right for the benefit of the dominant estate whereby persons, animals, or vehicles are permitted to pass through the servient estate. Unless the title provides otherwise, the extent of the right and the mode of its exercise shall be suitable for the kind of traffic necessary for the reasonable use of the dominant estate.

**Art. 707.** Servitudes; apparent or nonapparent.

Predial servitudes are either apparent or nonapparent. Apparent servitudes are those that are perceivable by exterior signs, works, or constructions; such as a roadway, a window in a common wall, or an aqueduct.

Nonapparent servitudes are those that have no exterior sign of their existence; such as the prohibition of building on an estate or of building above a particular height.

**Art. 710.** Naked owner.

The naked owner may establish a predial servitude that does not infringe on the rights of the usufructuary or that is to take effect at the termination of the usufruct. The consent of the usufructuary is required for the establishment of any other predial servitude.

**Art. 711.** Usufructuary.

The usufructuary may not establish on the estate of which he has the usufruct any charges in the nature of predial servitudes.

**Art. 714.** Co-owner; servitude on entire estate.

A predial servitude on an estate owned in indivision may be established only with the consent of all the co-owners.

When a co-owner purports to establish a servitude on the entire estate, the contract is not null; but, its execution is suspended until the consent of all co-owners is obtained.

**Art. 725.** Reciprocal servitudes.

The title that establishes a servitude for the benefit of the dominant estate may also establish a servitude on the dominant estate for the benefit of the servient estate.

**Art. 740.** Modes of acquisition of servitudes.

Apparent servitudes may be acquired by title, by destination of the owner, or by acquisitive prescription.

**Art. 742.** Acquisitive prescription.

The laws governing acquisitive prescription of immovable property apply to apparent servitudes. An apparent servitude may be acquired by peaceable and uninterrupted possession of the right for ten years in good faith and by just title; it may also be acquired by uninterrupted possession for thirty years without title or good faith.

**Art. 753.** Prescription for nonuse.

A predial servitude is extinguished by nonuse for ten years.

**Art. 754.** Commencement of nonuse.

Prescription of nonuse begins to run for affirmative servitudes from the date of their last use, and for negative servitudes from the date of the occurrence of an event contrary to the servitude.

An event contrary to the servitude is such as the destruction of works necessary for its exercise or the construction of works that prevent its exercise.

**Art. 758.** Imprescriptibility of natural servitudes.

The prescription of nonuse does not run against natural servitudes.

---

## Exercise 7 – Vocabulary Practice – Synonyms

---

Find in the source text in Exercise 6 expressions being synonyms of the terms specified below. They are present in the text in the same order as specified below.

---

to be obliged – \_\_\_\_\_

to compensate – \_\_\_\_\_

to cause – \_\_\_\_\_

visible – \_\_\_\_\_

invisible – \_\_\_\_\_

ban – \_\_\_\_\_

to violate – \_\_\_\_\_

acceptance – \_\_\_\_\_

to allege – \_\_\_\_\_

invalid – \_\_\_\_\_

to get – \_\_\_\_\_

mutual – \_\_\_\_\_

usucaption – \_\_\_\_\_

limitation – \_\_\_\_\_

---

## Exercise 8 – Comparative Vocabulary Practice

---

Find in the source text in Exercise 6 expressions being equivalents of the following Polish terms:

---

służebność drogowa – \_\_\_\_\_

na rzecz – \_\_\_\_\_

pojazd – \_\_\_\_\_

sposób wykonywania (służebności) – \_\_\_\_\_

ustanowić służebność – \_\_\_\_\_  
 użytkownik – \_\_\_\_\_  
 użytkowanie – \_\_\_\_\_  
 zasiedzenie – \_\_\_\_\_  
 przedawnienie – \_\_\_\_\_  
 niewykonywanie – \_\_\_\_\_  
 bieg przedawnienia rozpoczyna się od dnia – \_\_\_\_\_  
 brak przedawnienia – \_\_\_\_\_

### Visualisation 3

Study the Visualisation entitled PRESCRIPTION (No. 35) attached at the end of this book.

## Exercise 9 – Memorisation Reinforcement

Read the text aloud, trying to recall the missing words. Do not write anything in this exercise. This will allow you to do the exercise several times, if needed, to ensure that you have memorised everything.

There are two kinds of servitudes: p\*\*\*\*\* servitudes and p\*\*\*\*\* servitudes

A person having the right of habitation is bound to use the property as a prudent administrator and at the expiration of his right to deliver it to the owner in the condition in which he received it, ordinary w\*\*\* and t\*\*\* excepted.

The right of habitation is neither transferable nor heritable. It may not be a\*\*\*\*\*, let, or e\*\*\*\*\*.

The personal servitude of right of use c\*\*\*\*\* in favor of a person a specified use of an estate less than full enjoyment.

A predial servitude is a charge on a s\*\*\*\*\* estate for the benefit of a d\*\*\*\*\* estate.

There must be a benefit to the dominant estate. The benefit need not exist at the time the servitude is created; a possible convenience or a future advantage s\*\*\*\*\* to support a servitude.

Neither c\*\*\*\*\* nor p\*\*\*\*\* of the two estates is necessary for the existence of a predial servitude. It suffices that the two estates be so located as to allow one to derive some benefit from the charge on the other.

The owner of the servient estate is not required to do anything. His obligation is to a\*\*\*\*\* from doing something on his estate or to permit something to be done on it.

A\*\*\*\*\* servitudes are those that give the right to the owner of the dominant estate to do a certain thing on the servient estate. N\*\*\*\*\* servitudes are those that impose on the owner of the servient estate the duty to abstain from doing something on his estate.

R\*\*\*\*\* servitudes.

The title that establishes a servitude for the benefit of the dominant estate may also establish a servitude on the dominant estate for the benefit of the servient estate.

I\*\*\*\*\* of natural servitudes.

The prescription of nonuse does not run against natural servitudes.

## Exercise 10 – Terminology Transposition

Fill in the gaps in the following translation of excerpts from the Polish Civil Code concerning servitudes. Where possible, try to use expressions you have learnt in the previous exercises in this Unit.

Kodeks cywilny DZIAŁ III. SŁUŻEBNOŚCI	Polish Civil Code SECTION III. SERVITUDES
Rozdział I Służebności <sup>(1)</sup> gruntowe	Chapter I. <sup>(1)</sup> _____ servitudes
Art. 285. § 1. <sup>(2)</sup> Nieruchomość można <sup>(3)</sup> obciążyć <sup>(4)</sup> na rzecz właściciela innej nieruchomości <sup>(5)</sup> nieruchomości władnącej) prawem, którego treść polega	Article 285. § 1. A/an <sup>(2)</sup> _____ may be <sup>(3)</sup> _____ <sup>(4)</sup> _____ the owner of another immovable <sup>(5)</sup> _____)

<p>bądź na tym, że właściciel nieruchomości władnącej może korzystać w oznaczonym zakresie z <sup>(6)</sup><b>nieruchomości obciążonej</b>, bądź na tym, że właściciel nieruchomości obciążonej zostaje ograniczony w możliwości dokonywania w stosunku doniej określonych działań, bądź też na tym, że właścicielowi nieruchomości obciążonej nie wolno wykonywać określonych <sup>(7)</sup><b>uprawnień</b>, które mu względem nieruchomości władnącej przysługują <sup>(8)</sup><b>na podstawie</b> <sup>(9)</sup><b>przepisów</b> o treści i wykonywaniu własności (służebność gruntowa). (...)</p>	<p>with a right consisting either in that the owner of the dominant estate may use the <sup>(6)</sup> _____ within a specific scope or in that the owner of the servient estate is limited in respect of his performance of certain acts with regard thereto or in that the owner of the servient estate is not allowed to exercise certain <sup>(7)</sup> _____ he is entitled to with regard to the dominant estate <sup>(8)</sup> _____ the <sup>(9)</sup> _____ on the substance and exercise of ownership (predial servitude). (...)</p>
<p>Art. 286. Na rzecz <sup>(11)</sup><b>rolniczej spółdzielni produkcyjnej</b> można <sup>(10)</sup><b>ustanowić</b> służebność gruntową <sup>(12)</sup><b>bez względu na to</b>, czy <sup>(13)</sup><b>spółdziałnia</b> jest właścicielem gruntu.</p>	<p>Article 286. A predial servitude may be <sup>(10)</sup> _____ for the benefit of a/an <sup>(11)</sup> _____ <sup>(12)</sup> _____ whether or not that <sup>(13)</sup> _____ is the owner of the land.</p>
<p>Art. 287. Zakres służebności gruntowej i <sup>(14)</sup><b>sposób</b> jej <sup>(15)</sup><b>wykonywania</b> oznacza się, w braku innych danych, według <sup>(16)</sup><b>zasad współżycia społecznego</b> <sup>(17)</sup><b>przy uwzględnieniu</b> zwyczajów miejscowych.</p>	<p>Article 287. The scope of a predial servitude and the <sup>(14)</sup> _____ of its <sup>(15)</sup> _____ shall be determined, in the absence of other information, in line with the <sup>(16)</sup> _____, <sup>(17)</sup> _____ local customs.</p>
<p>Art. 288. Służebność gruntowa powinna być wykonywana w taki sposób, żeby jak najmniej <sup>(18)</sup><b>utrudniała</b> korzystanie z nieruchomości obciążonej.</p>	<p>Article 288. A predial servitude shall be exercised in such a manner that the use of the servient estate is <sup>(18)</sup> _____ to the least possible extent.</p>
<p>Art. 289. § 1. <sup>(19)</sup><b>W braku odmiennej umowy</b> obowiązek utrzymywania</p>	<p>Article 289. § 1. <sup>(19)</sup> _____,</p>

<p>urządzeń potrzebnych do wykonywania służebności gruntowej <sup>(20)</sup><b>obciąża</b> właściciela nieruchomości władnącej.</p> <p>§ 2. Jeżeli obowiązek utrzymywania takich urządzeń został <sup>(21)</sup><b>włożony</b> na właściciela nieruchomości obciążonej, właściciel odpowiedzialny jest także osobiście za <sup>(22)</sup><b>wykonywanie</b> tego obowiązku. Odpowiedzialność osobista współwłaścicieli jest <sup>(23)</sup><b>solidarna</b>.</p> <p>Art. 290. § 1. W razie <sup>(24)</sup><b>podziału</b> nieruchomości władnącej służebność <sup>(25)</sup><b>utrzymuje się w mocy</b> na rzecz każdej z części utworzonych przez podział; jednakże gdy służebność <sup>(26)</sup><b>zwiększa</b> użyteczność tylko jednej lub kilku z nich, właściciel nieruchomości obciążonej może żądać <sup>(27)</sup><b>zwolnienia</b> jej od służebności względem części pozostałych. (...)</p> <p>Art. 291. Jeżeli po <sup>(28)</sup><b>ustanowieniu</b> służebności gruntowej <sup>(29)</sup><b>powstanie</b> ważna potrzeba gospodarcza, właściciel nieruchomości obciążonej może żądać <sup>(30)</sup><b>za wynagrodzeniem</b> zmiany treści lub sposobu wykonywania służebności, chyba że żądana zmiana przyniosłaby <sup>(31)</sup><b>niewspółmierny</b> <sup>(32)</sup><b>uszczerbek</b> nieruchomości władnącej.</p>	<p>the duty of maintenance of facilities necessary to exercise a predial servitude shall <sup>(20)</sup> _____ the owner of the dominant estate.</p> <p>§ 2. If the duty of maintenance of such facilities has been <sup>(21)</sup> _____ on the owner of the servient estate, the owner shall be also personally liable for the <sup>(22)</sup> _____ of the duty at issue. The personal liability of the co-owners shall be <sup>(23)</sup> _____.</p> <p>Article 290. § 1. Should the dominant estate be <sup>(24)</sup> _____, the servitude shall <sup>(25)</sup> _____ for the benefit of each of the parts created as a result of the division; nevertheless, if the servitude <sup>(26)</sup> _____ the usefulness of one or several of the parts, the owner of the servient estate may demand that he be <sup>(27)</sup> _____ from the servitude with regard to the remaining parts.</p> <p>Article 291. If, after the <sup>(28)</sup> _____ of a predial servitude, an important economic need <sup>(29)</sup> _____, the owner of the servient estate may demand, <sup>(30)</sup> _____, that the substance or the mode of the exercise of the servitude be changed unless the demanded change results in a/an <sup>(31)</sup> _____ <sup>(32)</sup> _____ to the dominant estate.</p>
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<p>Art. 292. Służebność gruntowa może być nabyta przez <sup>(33)</sup><b>zasiedzenie</b> tylko w wypadku, gdy polega na korzystaniu z trwałego i <sup>(34)</sup><b>widocznego</b> <sup>(35)</sup><b>urządzenia</b>. Przepisy o <sup>(36)</sup><b>nabyciu własności</b> nieruchomości przez <sup>(37)</sup><b>zasiedzenie</b> stosuje się <sup>(38)</sup><b>odpowiednio</b>.</p>	<p>Article 292. A predial servitude may be acquired by <sup>(33)</sup>_____ only if it consists in using a permanent and <sup>(34)</sup>_____. The provisions <sup>(35)</sup>_____ on the <sup>(36)</sup>_____ of immovables by <sup>(37)</sup>_____ shall apply <sup>(38)</sup>_____.</p>
<p>Art. 293. § 1. Służebność gruntowa <sup>(39)</sup><b>wygasa</b> wskutek <sup>(40)</sup><b>niewykonywania</b> przez lat dziesięć.</p>	<p>Article 293. § 1. A predial servitude shall <sup>(39)</sup>_____ for <sup>(40)</sup>_____ for ten years.</p>
<p>§ 2. Jeżeli treść służebności gruntowej <sup>(41)</sup><b>polega na</b> obowiązku <sup>(42)</sup><b>nieczynienia</b>, przepis powyższy stosuje się tylko wtedy, gdy na nieruchomości obciążonej istnieje od lat dziesięciu <sup>(43)</sup><b>stan rzeczy</b> <sup>(44)</sup><b>sprzeczny z</b> treścią służebności.</p>	<p>§ 2. If a predial servitude <sup>(41)</sup>_____ a duty to <sup>(42)</sup>_____, the above provision shall apply only if the <sup>(43)</sup>_____ of the servient estate has been for ten years <sup>(44)</sup>_____ the substance of the servitude.</p>
<p>Art. 294. Właściciel nieruchomości obciążonej może żądać <sup>(45)</sup><b>zniesienia</b> służebności gruntowej <sup>(46)</sup><b>za wynagrodzeniem</b>, jeżeli wskutek zmiany stosunków służebność stała się dla niego szczególnie <sup>(47)</sup><b>uciążliwa</b>, a nie jest konieczna do prawidłowego korzystania z nieruchomości władnącej.</p>	<p>Article 294. The owner of the servient estate may demand that the predial servitude be <sup>(45)</sup>_____ <sup>(46)</sup>_____ if as a result of a change in relationships the servitude has become particularly <sup>(47)</sup>_____ to him and is not necessary for the proper use of the dominant estate.</p>
<p>Rozdział II Służebności <sup>(48)</sup><b>osobiste</b></p>	<p>Chapter II. <sup>(48)</sup>_____ servitudes</p>
<p>Art. 296. Nieruchomość można obciążyć <sup>(49)</sup><b>na rzecz</b> oznaczonej <sup>(50)</sup><b>osoby fizycznej</b> prawem, którego treść</p>	<p>Article 296. An immovable may be encumbered <sup>(49)</sup>_____ a specific <sup>(50)</sup>_____ with a right</p>

<p>odpowiada treści służebności gruntowej (służebność osobista).</p>	<p>whose substance corresponds to the substance of a predial servitude (personal servitude).</p>
<p>Art. 297. Do służebności osobistych stosuje się <sup>(51)</sup><b>odpowiednio</b> przepisy o służebnościach gruntowych <sup>(52)</sup><b>z zachowaniem</b> przepisów rozdziału niniejszego.</p>	<p>Article 297. The provisions on predial servitudes shall apply <sup>(51)</sup>_____ to personal servitudes <sup>(52)</sup>_____ the provisions of this chapter.</p>
<p>Art. 298. Zakres służebności osobistej i sposób jej wykonywania oznacza się, w braku innych danych, według osobistych potrzeb <sup>(53)</sup><b>uprawnionego</b> <sup>(54)</sup><b>z uwzględnieniem</b> <sup>(55)</sup><b>zasad współżycia społecznego</b> i zwyczajów miejscowych.</p>	<p>Article 298. The scope of a personal servitude and the mode of its exercise shall be determined, in the absence of other data, in line with personal needs of the <sup>(53)</sup>_____ and <sup>(54)</sup>_____ the <sup>(55)</sup>_____ and local customs.</p>
<p>Art. 299. Służebność osobista <sup>(56)</sup><b>wygasa</b> najpóźniej <sup>(57)</sup><b>ze śmiercią</b> uprawnionego.</p>	<p>Article 299. A personal servitude shall <sup>(56)</sup>_____ not later than <sup>(57)</sup>_____ of the beneficiary.</p>
<p>Art. 300. Służebności osobiste są <sup>(58)</sup><b>niezbywalne</b>. Nie można również <sup>(59)</sup><b>przenieść</b> uprawnienia do ich wykonywania.</p>	<p>Article 300. Personal servitudes shall be <sup>(58)</sup>_____. Nor may the right to their exercise be <sup>(59)</sup>_____.</p>
<p>Art. 301. § 1. Mający służebność <sup>(60)</sup><b>mieszkania</b> może przyjąć na mieszkanie <sup>(61)</sup><b>małżonka</b> i dzieci <sup>(62)</sup><b>małoletnie</b>. Inne osoby może przyjąć tylko wtedy, gdy są przez niego <sup>(63)</sup><b>utrzymywane</b> albo potrzebne przy prowadzeniu <sup>(64)</sup><b>gospodarstwa domowego</b>. Dzieci przyjęte jako małoletnie mogą pozostać</p>	<p>Article 301. § 1. A beneficiary of a servitude of <sup>(60)</sup>_____ may house his <sup>(61)</sup>_____ and <sup>(62)</sup>_____ children. He may house other persons only if he covers the costs of their <sup>(63)</sup>_____ or if they are required to run his <sup>(64)</sup>_____.</p>

<p>w mieszkaniu także po <sup>(65)</sup><b>uzyskaniu</b> <sup>(66)</sup><b>pełnoletności</b>.</p>	<p>Children housed originally as minors may keep living in the dwelling also after they <sup>(65)</sup> _____ <sup>(66)</sup> _____.</p>
<p>§ 2. Można się umówić, że po śmierci uprawnionego służebność mieszkania <sup>(67)</sup><b>przysługiwać</b> będzie jego dzieciom, rodzicom i małżonkowi.</p>	<p>§ 2. It may be agreed that after the death of the beneficiary the servitude of habitation shall be <sup>(67)</sup> _____ his children, parents and spouse.</p>
<p>Art. 302. § 1. Mający służebność mieszkania może korzystać z <sup>(68)</sup><b>pomieszczeń</b> i <sup>(69)</sup><b>urządzeń</b> przeznaczonych do wspólnego użytku <sup>(70)</sup><b>mieszkańców</b> budynku. (...)</p>	<p>Article 302. § 1. A beneficiary of a servitude of habitation may use <sup>(68)</sup> _____ and <sup>(69)</sup> _____ intended for common use by the <sup>(70)</sup> _____ of the building. (...)</p>
<p>Art. 303. Jeżeli uprawniony z tytułu służebności osobistej <sup>(71)</sup><b>dopuszcza się</b> <sup>(72)</sup><b>rażących</b> <sup>(73)</sup><b>uchybień</b> przy wykonywaniu swego prawa, właściciel nieruchomości obciążonej może żądać <sup>(74)</sup><b>zamiany</b> służebności na rentę.</p>	<p>Article 303. If a beneficiary of a personal servitude <sup>(71)</sup> _____ <sup>(72)</sup> _____ <sup>(73)</sup> _____ in the exercise of his right, the owner of the servient estate may demand that the servitude be <sup>(74)</sup> _____ into an annuity.</p>
<p>Art. 304. Służebności osobistej nie można nabyć przez <sup>(75)</sup><b>zasiedzenie</b>.</p>	<p>Article 304. A personal servitude may not be acquired by <sup>(75)</sup> _____.</p>
<p>Art. 305. Jeżeli nieruchomość obciążona służebnością osobistą została <sup>(76)</sup><b>wniesiona</b> jako wkład do rolniczej spółdzielni produkcyjnej, spółdzielnia może z ważnych powodów żądać zmiany sposobu wykonywania służebności albo jej <sup>(77)</sup><b>zamiany</b> na rentę.</p>	<p>Article 305. If a servient estate encumbered with a personal servitude has been <sup>(76)</sup> _____ to an agricultural production cooperative, the cooperative may, for important reasons, demand that the mode of the exercise of the servitude be</p>

	<p>changed or that the servitude be <sup>(77)</sup> _____ into an annuity.</p>
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## Visualisation 4

Study the following Visualisations attached at the end of this book:

- JOINT AND SEVERAL LIABILITY (No. 24)
- IMMOVABLES AND MOVABLES (No. 21)
- NATURAL AND LEGAL PERSON (No. 29)

# Glossary

## Servitudes

służebność osobista	personal servitude / easement in gross
służebność gruntowa	predial servitude / easement appurtenant
nieruchomość obciążona	servient estate / servient tenement
nieruchomość władająca	dominant estate / dominant tenement
przyleganie do siebie / stykanie się	contiguity
bliskość	proximity
wystarczać / być wystarczającym	suffice / be sufficient / be enough
czerpać (np. korzyść)	derive
służebność czynna	affirmative servitude / affirmative easement / positive servitude / positive easement
służebność bierna	negative servitude / negative easement
nałożyć coś na kogoś (np. obowiązek)	impose something on somebody
powstrzymać się od	abstain from
służebność nabyta przez zasiedzenie	servitude acquired by acquisitive prescription / prescriptive easement / adverse easement
służebność drogowa (droga konieczna)	servitude of passage / right-of-way / right of way / access easement / easement of passage / easement by necessity
użytkowanie	usufruct
użytkownik	usufructuary
służebność mieszkania	servitude of habitation
zużycie rzeczy będące następstwem prawidłowego używania	normal wear and tear / ordinary wear and tear / fair wear and tear
wygaśnięcie prawa	expiration / expiry of a right
obciążyć	charge / burden / encumber
obciążenie	charge / burden / encumbrance
zbyć	alienate / dispose of
zbycie	alienation / disposal / disposition
nabyć	acquire
nabycie	acquisition
sprzedać	sell
sprzedaż	sale
kupić	buy / purchase
kupno, zakup	buying / purchase
wygasnąć	expire



wygaśnięcie	expiry / expiration/ extinguishment
upłynąć	lapse / elapse / expire
upływ	lapse / expiry / expiration
udzielić, nadać, przyznać (np. prawo)	confer something on somebody / vest something in somebody / grant something to somebody
udzielenie, nadanie, przyznanie	conferring / vesting / granting / grant
naruszyć	infringe / breach / violate
nieważny	null / null and void / invalid / void
na rzecz	for the benefit of
pojazd	vehicle
sposób wykonywania (np. służebności)	mode of exercise
ustanowić służebność	establish a servitude
zasiedzenie	acquisitive prescription / positive prescription / usucaption / adverse possession / prescription
przedawnienie	prescription / limitation / negative prescription / liberative prescription / barring by statute of limitations
niewykonywanie (służebności)	nonuse (of a servitude)
bieg przedawnienia rozpoczyna się od dnia	prescription begins to run from the date of
brak przedawnienia	imprescriptibility
odpowiedzialność solidarna	solidary liability / joint and several liability
odpowiedzialny solidarnie	solidarily liable / jointly and severally liable
uciążliwy	onerous / burdensome
niezbywalny	inalienable / non-transferrable / non-transferable
przenieść	assign
przeniesienie / cesja	assignment
uzyskać pełnoletność	reach the age of majority / reach majority / attain the age of majority / attain majority

# UNIT 2

## LEASE