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**TRANSFERRING THE REAL PROPERTY FOR USE  
OR RECEIVE BENEFITS AS AN ACTION OF THE MANAGEMENT  
OF COMMON PROPERTY OF SPOUSES**

Transferring a real property belonging to a common property of spouses by one spouse to third parties for using or receiving benefits is an act of managing the spouses' common property that requires the consent of the other spouse (art. 37 § 1 p. 1 of the Family and Guardianship Code). This provision applies to the ownership of any real property but it does not refer to the unlawful possession that is a part of spouses' common property. It also does not apply to transferring the real property to another person for tenancy or *precarium*.

Transferring the real property to a third party, within the meaning of the analyzed regulation, should be understood as providing not only the whole property but also its part. What is more, the obligatory consent of the second spouse is also required to extend the contract with a third party, as well as to change its content by extending the third party's rights to use the property or receive benefits. The consent of the spouse is also required in case of transferring the property for a single use, if it is based on the legal relationship of a continuous nature.