

Signed for a bank loan: can the land be reclaimed 14 years later?

Basis: Appellate Judgment No. 498/2026/DS-PT of 23 September 2026 of the People's Court of An Giang Province

THE STORY

One parcel of land, eight children and one signed paper for a bank loan

WHO ARE THE HEIRS

Mr. C2 died in 2010 and Mrs. N died in 2018, both without leaving a will. They had eight children. The eldest, Mr. T4, died in 2007, leaving a wife and two daughters.

THE PROPERTY

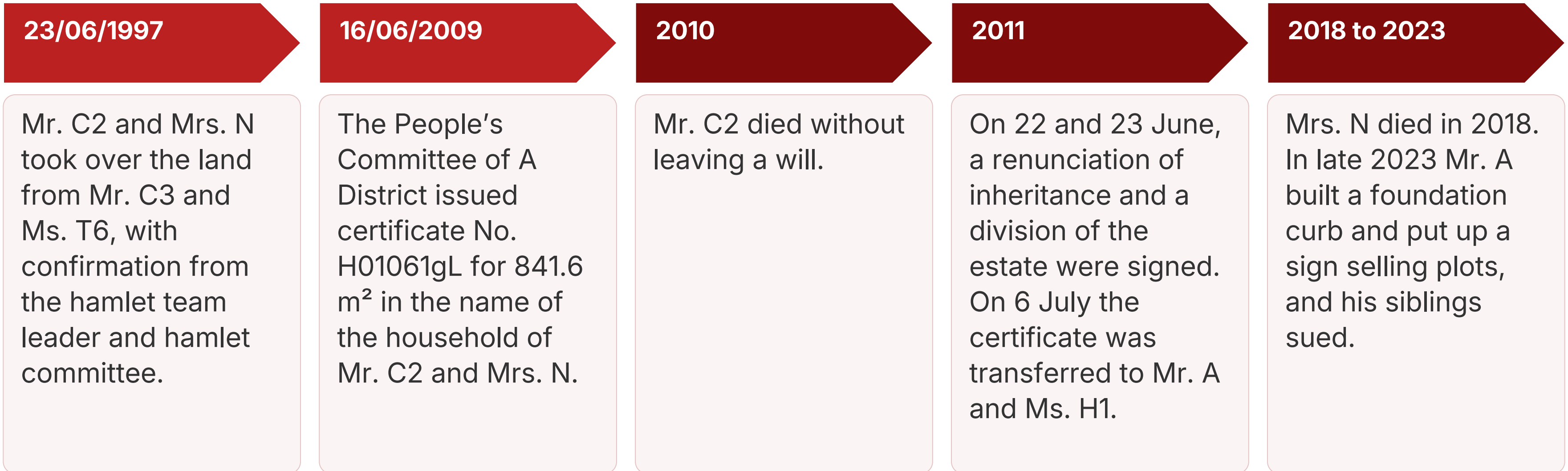
Land parcel No. 22, map sheet No. 23, 841.6 m² in An Giang Province. The couple acquired it by transfer in 1997. The land use right certificate was issued on 16 June 2009 in the name of the household of Mr. C2 and Mrs. N.

WHAT HAPPENED

In 2011, the family members signed a document renouncing the inheritance and a document dividing the estate, handing all of the land to Mr. A. The certificate was transferred into the names of Mr. A and his wife, Ms. H1.

THE STORY

How did the land change names from 1997 to 2026?



JUDGMENT SUMMARY

What did the plaintiffs ask for, and how did the first-instance court rule?

THE SIX CHILDREN (PLAINTIFFS) ASK THE COURT TO

- Declare the 841.6 m² to be property co-owned in shares by the nine household members and divide it equally.
- Annul the inheritance division document of 23/06/2011.
- Annul certificate No. CH01609gL issued on 06/07/2011 in the names of Mr. A and Ms. H1.
- Divide the parents' estate into eight equal shares.

FIRST INSTANCE: JUDGMENT 41/2025/DS-ST OF 29/09/2025

- ✗ Rejected the request to determine and divide the co-owned property by shares.
 - ✗ Rejected the request to divide the parents' estate.
 - ✗ Rejected the request to annul the estate division document.
 - ✗ Rejected the request to annul the land use right certificate.
- The plaintiffs must pay court fees calculated on the value of the claim.

JUDGMENT SUMMARY

Appeal: was the judgment upheld or amended?

THE APPEAL

Ms. S, Mr. T, Mr. H, Mr. L, Ms. K, Ms. L1 and Mr. L3 appealed, asking that the first-instance judgment be amended to accept all of their claims.

THE PROCURACY

Proposed discontinuing the appellate trial for the appeals of Mr. T and Mr. L3, partially accepting the plaintiffs' appeal and amending the first-instance judgment.

THE TRIAL PANEL

Accepted the Procuracy's view. The certificate is not annulled and the 2011 estate division document is recognized, but the part of the estate that has not been disposed of is separated out and divided.

On 23/09/2026 the People's Court of An Giang Province amended the first-instance judgment. Mr. A keeps managing and using the land. The six remaining children and the heirs by representation of Mr. T4 receive their value in money.

THE COURT'S FINDINGS

Is "household" land the common property of nine members?

ORIGIN OF THE LAND

The couple acquired the land by transfer from Mr. C3 and Ms. T6 in 1997, not by clearing wasteland. No family member is recorded as having increased its value.

HOUSEHOLD MEMBERS

Archive records show that from 1990 to 16/06/2009 the household had eleven members, including Mr. C2's younger sibling and two paternal grandchildren.

THE COURT'S REASONING

Under Articles 1 and 2 of Decree 64-CP, the State allocates agricultural land only to households. This certificate also covers residential land, so issuing it to a household was contrary to regulations.

Result: although the 2009 certificate names the household, it in fact established land use rights only for Mr. C2 and Mrs. N. The request to divide equally among nine members was rejected.

THE COURT'S FINDINGS

How were the 2011 renunciation and estate division documents treated?

MRS. N'S SHARE

The estate acceptance file does not show that Mrs. N renounced her share of her husband's estate. Half of the land, her share, therefore remains undivided estate.

MS. K'S SIGNATURE

Expert conclusion No. 2877/KL-KTHS of 03/08/2026 found that the signature in Ms. K's name is indeed hers, but the full name written under the "person renouncing the inheritance" heading was not written by her.

HEIRS BY REPRESENTATION

Mr. T4 died in 2007, before both his father and mother. His wife and two children did not sign the 2011 procedure, so Mr. T4's share has not been disposed of.

Result: the estate division document of 23/06/2011 is recognized as valid and the certificate is not annulled. Mrs. N's estate and Mr. T4's share are separated out and divided according to law.

THE COURT'S FINDINGS

How is the remaining estate divided?

44.18

m² per share

Comprising 33.33 m² of residential land and 10.85 m² of perennial-crop land. Converted to money at the valuation council's price: VND 57,990,940.

HOW IT IS DIVIDED

841.6 m² less 46.4 m² of river and canal corridor leaves 795.2 m².

Split in half: one half is Mr. C2's estate, the other half is Mrs. N's estate.

Mr. C2's estate is divided into nine parts. Mr. A receives eight parts under the 2011 document.

Mrs. N's estate is divided into eight parts for her eight children.

WHO RECEIVES WHAT

Mr. A receives 441.8 m² of land in kind, which includes one extra share under Precedent No. 05/2016/AL. Each of the six children receives VND 57,990,940. The heirs by representation of Mr. T4 receive the value of two shares.

COMMENTARY

What does the judgment get right?

NOT ANNULING THE WHOLE TRANSACTION

Instead of annulling the 2011 document and the certificate, the Court kept what the parties had already settled and separated out only the part not yet disposed of for division. This preserves stability in land relations that have existed for fourteen years.

CONSISTENT WITH ARTICLE 620 OF THE 2015 CIVIL CODE

Article 620.2 requires a renunciation of inheritance to be made in writing. Without a written renunciation by Mrs. N, her share could not have been disposed of, so it remains undivided estate.

ARTICLE 652 ON INHERITANCE BY REPRESENTATION

Mr. T4 died in 2007, before his father and mother. His two children are entitled to the share their father would have received had he been alive, and that share is not lost because they did not sign the 2011 procedure.

LAND GOES TO THE PERSON USING IT

Mr. A is managing the land and receives a larger share. Giving him the land in kind and requiring him to reimburse the value to the co-heirs avoids splitting the parcel into pieces too small to use.

COMMENTARY

Which parts of the reasoning raise questions?

DECREE 64-CP AND TRANSFERRED LAND

Decree 64-CP governs the State's allocation of agricultural land. The land in this case was acquired by the couple through transfer in 1997 and falls outside that scope. The Court's conclusion would be stronger if it relied on the origin of the land and the contributions made.

ARTICLE 71.1 OF THE 2003 LAND LAW POINTS THE OTHER WAY

The law in force when the certificate was issued in 2009 states expressly that a household's land includes land acquired by transfer. So it cannot be argued that transferred land cannot be household land.

PRECEDENT 05 ON EFFORT IN MANAGING AND IMPROVING

The judgment says no one contributed to improving the land and that it was left vacant, yet still adds one extra share in the spirit of the precedent. Management effort can be recognized, but it must be reasoned and quantified clearly.

SCOPE OF RECOGNIZING THE 2011 DOCUMENT

The operative part recognizes the 23/06/2011 document as valid without limiting its scope, while the judgment itself holds that the document could not dispose of Mrs. N's share or Mr. T4's share.

Which type of land does Decree 64-CP govern?

THE JUDGMENT CITES

The Trial Panel relied on Articles 1 and 2 of Decree 64-CP to conclude that the State allocates only agricultural land to households, so issuing a certificate to a household for a parcel that includes residential land and perennial-crop land was contrary to law.

Basis: Section [4.1] of Judgment No. 498/2026/DS-PT of 23/09/2026

ACTUAL SCOPE OF THE TEXTS

Article 1 of the Regulation attached to Decree 64-CP: "Households and individuals are allocated agricultural land by the State for stable, long-term use for agricultural production."

Article 71.1 of the 2003 Land Law: "Agricultural land used by households and individuals includes agricultural land allocated or leased by the State; land obtained by leasing land use rights from other organizations, households or individuals; and land obtained by transfer, inheritance or gift of land use rights in accordance with law."

Basis: Article 1 of Decree 64-CP of 27/09/1993; Article 71.1 of Land Law No. 13/2003/QH11

The two texts do not conflict. Decree 64-CP addresses only land allocated by the State, whereas the 2003 Land Law is the text that defines the scope of household land at the time the certificate was issued in 2009.

What effort does Precedent No. 05/2016/AL recognize?

SUMMARY OF THE PRECEDENT

"In a dispute over an estate, where a party is entitled to part of the estate and has contributed effort to managing and improving it but disagrees with dividing the estate (on the ground that the limitation period for inheritance claims has expired) and has made no specific request for their contribution to be considered, if the Court decides to divide the estate among the heirs it must consider that contribution, because the request not to divide the estate is greater than a request to consider contribution."

Basis: Precedent No. 05/2016/AL, adopted on 06/04/2016

HOW THE JUDGMENT APPLIES IT

Section [4.2]: "none of the parties contributed to improving the land to increase its value; at present the land is managed by Mr. A and Ms. H1 but remains vacant, with only a fence and a foundation curb, and no one cultivates it or builds on it."

Section [4.3]: "considering the building, preservation and improvement in the spirit of Precedent No. 05/AL of 06/4/2016 of the Judges' Council of the Supreme People's Court to resolve this estate division case and add 01 extra share when dividing the estate."

Basis: Sections [4.2] and [4.3] of Judgment No. 498/2026/DS-PT

The precedent recognizes both management effort and improvement effort. If the basis is Mr. A's management of the land since 2011, it still falls within the precedent, but the judgment should say so expressly rather than citing improvement effort that the judgment itself rejected.

What can we take from this case?

1

An oral agreement for someone else to hold land in their name is not recognized by the court. The plaintiffs themselves admitted the agreement was only oral, with nothing to prove it.

2

A signature on a renunciation of inheritance has lasting effect. Having signed to help someone obtain a bank loan does not make the signed document invalid.

3

A share of the estate that the heir did not sign away is not lost, even after fourteen years, and is still divided according to law.

4

A certificate in the name of a "household" does not by itself create rights for every member. Rights depend on the origin of the land and the contributions actually made.

RECOMMENDATIONS

Which position are you in?

THE PERSON ENTRUSTING THE TITLE

- Sign a notarized agreement stating why the title is held and the duty to return it.
- Keep proof of the source of funds.
- Read carefully before signing a renunciation. Signing means losing the right.
- Sue early if the title holder starts disposing of the property.

THE PERSON HOLDING THE TITLE

- Check that every line of heirs is covered, including heirs by representation.
- A renunciation must be written, signed by the heir personally and made before the estate is divided (Article 620, 2015 Civil Code).
- Keep records of management and improvement effort.

THE TRANSFEREE

- Check the estate acceptance file: who signed, who renounced in writing.
- Verify any heir who died before the deceased, and that heir's children.
- Ask the seller for death certificates and civil status papers of all heirs.

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