EVIDENCE MANAGEMENT SYSTEMS OF REAL ESTATE PROPERTY

MANAGEMENTUL SISTEMELOR DE EVIDENȚĂ A PROPRIETĂȚII IMOBILIARE

O. P. SÂMAN[1], A. COROIAN[1], I. BORLOVAN[1], L. SÂMBOTIN[1]

[1] ***Banat's University of Agricultural Sciences and Veterinary Medicine, Agricultural Management Faculty Timisoara, Romania; adi_21mar@yahoo.com***

Abstract: *Records management systems of the property deals the way they are organized legal records and attempting a land registry connection between them, and interconnection with other databases involved in the management of property as a whole. The methods are based on various paper records to the integrated database or databases created by GIS systems. In conclusion, database systems are the main element in the management of property of evidence systems.*

Key words: *real estate property, database systems, land registry, cadastre*

INTRODUCTION

Due to historical conditions in which the formation took place, and the evolution of Romanian national state, in our country existed these four systems of registration of real estate:

a) advertising system and inscription transcriptions of records, covered of Civil Code and the Code of Civil Procedure (known as personal advertising system), applicable to most cities of the old kingdom, Muntenia, Moldova, Oltenia and Dobrogea. This system is also known as "personal advertising system", given that you record broadcasts on behalf of real estate and not the property owners;

b) The land books, covered, in the second half of the nineteenth century, of Austrian and Hungarian legislation and subsequent Decree. 115/1938 for the

unification of the provisions relating to land books (also called real advertising system) applicable in the Romanian provinces annexed of former Austro-Hungarian Empire (Transylvania, Banat, Crisana, Satu Mare, Maramures and Bucovina South). This system is characterized by the fact that the record is held on the property and not the persons;

c) The real estate advertising books, called ad interim land system, covered by Decree no. 242/1947 for the conversion of temporary land books of Old Kingdom in the land books of advertising applied to a small number of localities of the former county of Ilfov and Bucharest in neighboring localities where measurements were carried out and documents were prepared land registry;

d) The land record books, an intermediate system, designed as an temporary system, covered by Decree no. 163/1946173, applied in the settlements of Transylvania where the land books were destroyed, stolen or lost during and because of the Second World War. Land record books are closed as they draw new cards to find land or land books originate.

Initially, advertising real estate records were kept of courts and judges then, and after 1960 by state notaries. Since 1995, with the transformation of notarial activity in a liberal profession and its establishment as an autonomous public service registers, inscriptions, maps and books pawn land passed to the district judges in of state who were notaries. Since the end of 2004 the system was reformed the estate advertising, advertising real estate in jurisdiction passing a new structure, the National Agency for Cadastre and Land Registration.

MATERIALS AND METHODS

Following the reform of real estate advertising system, one of the most important changes was the establishment of a new structure, namely the National Agency for Cadastre and Land Registration, the only authority in the field, which will bring together the work of surveying techniques and the prevailing legal advertising property. Justification for adopting the new system of advertising and real estate lies in the need of relieving judges mostly non-judicial tasks in conditions in which, through Recommendation. 86) 12 of 16/09/1986 regarding some steps to prevent overload and reduce the activity of courts, the Council of Europe Committee of Ministers

recommends all Member States' gradual discharge of the duties of judges regarding the nature of their settlement and fostered other persons or institutions ", real estate advertising activity is included in this category often non-judicial tasks.

Thus, the unique set of real estate registration, by reorganizing the National Office for Cadastre, Geodesy and Cartography and advertising activities by taking over the real estate (land book offices) from the Ministry of Justice, would create a unique structure to coordinate cadastre and land registration activities, by establishing the National Agency for Cadastre and Land in a desire to ensure maximum efficiency in the identification and registration of property with minimum expense and effort for citizens.

RESULTS AND DISCUSSIONS

The new notion of property in land book object. The current wording of the law as property ranks in terms of reference in the Land Registry records.

Having determined that entities of the system are generally wedge land, construction and owner, the meaning assigned to the notion of property as one or more adjacent parcels, with or without construction belonging to the same owner, it became the center of the book material around which land and other legal rights which would be appropriate.

By this, the law abandoned the body creations complex real estate property and land game, recognizing the value of real estate advertising system single entity.

The current building meets the definition of interest determined by Law, which aims at achieving the goal of finalizing the creation of the cadastre and land books published by real estate notion.

According to art. 1 para. (3) the property for the purposes of the law, "means one or more adjacent parcels, with or without building, belonging to the same owner. "One or more adjacent parcels, on a territory-administrative units, regardless of the category of use, belonging to the same owner, the building defined the art form. 1 para. (3), is identified by a unique cadastral number is part of a land register (art. 17 para. (2) of the Act). "By property means one or more adjacent parcels, with or without building, belonging to the same owner, located in a territorial-administrative units,

regardless category of use, identified by a unique cadastral number." (Art. 3 . (3) of the Regulation).

Although enlightening in its content to determine the notion property they are round with the provisions under Art. 2. (2), lit. a) of the Law on General Cadastre objectives consisting of identification, description and cadastral registration of real estate documents in nature. Here are how these stipulations are determined by precisely the subject of the land book, consisting of real estate registration, only to say the properties by their nature. Among them, land is the subject of the book form the same area of land use category, which makes up the plot.

CONCLUSSIONS

After implementing this system at country level will ensure a uniform and consistent work flow. Cultural and historical differences between the provinces and Romanian areas and the long time (about 140 years) in activity and appearing in various custom workflows and record keeping not only from one county to another, but from a localities to another.

Furthermore, because the legal evidence was the duty of other than the obvious technical institutions were numbered cadastral plans and maps created in other ways, leading to a region in the same property be individualized the three or more numbers cadastral.

Perhaps with the passage of time, as the Land Registry will no longer hold, because the phrase Land Registry will no longer find it's place, all archived data will be replaced in digital.

Therefore, the book is that electronic land information system report generated as a result of land conversion of paper or a book because of the reception and the registration of new houses in the database

By providing a unique cadastral number will ensure a seamless record in the whole country. The great difficulty in using this system (considered by many to be insurmountable) is that the cadastre and land registry offices will no longer provide a public consultation analog cadastral plan. How numbers are assigned randomly cadastral, mosaic, plan cadastral land register will be constantly changing and that may not be maintained and the consulted only in digital format. The application will be an extract from this plan. In other words, would be extremely difficult for local authorities to identify the

property by the new cadastral number, they continued by referring, of inertia, the old numbers, available in analog format, but outdated.

To overcome this inconvenient, the territorial offices for cadastre and land will have to ensure, in the shortest time, access to online digital database, establishing access levels and that duties in that purpose.

Once that system will be stuck but the benefits will, in turn, much greater sacrifices and that expenses related to its implementation. Queues will disappear from the counters well known local offices, the Land Registry would be available at home and notaries will be able to submit statements for Land Registry for authentication without moving from your desk.

Will there be the possibility of providing statistical reports and that of other reports Defined, will be known precisely allocated to each actor of the work load workflows. Similarly, the application will always provide data on the dynamic development of some areas, so it is possible to identify a building by his owner, and search efforts after the address without a voluminous archive will facilitate that if a name change streets will be changed automatically records this information in land and legal.

REFERENCES

1. **ADAM I.**, Proprietatea publică şi privată asupra imobilelor în România, Ed. All Beck, Bucureşti, 2000;
2. Ordinul directorului general al Agentiei Nationale de Cadastru si Publicitate Imobiliara nr. 633 din 13.10.2006, publicat În Monitorul Oficial Partea I nr. 1049 din 29.12.2006, pentru aprobarea Regulamentului de organizare si functionare a birourilor de cadastru si publicitate imobiliara;
3. Ordinul directorului general al Agentiei Nationale de Cadastru si Publicitate Imobiliara nr. 634 din 13.10.2006, publicat În Monitorul Oficial Partea I nr. 1048 din 29.12.2006, pentru aprobarea Regulamentului privind continutul si modul de întocmire a documentatii lor cadastrale În vederea Înscrierii În cartea funciara;
4. Legea fondului funciar nr.18/1991, republicata, cu modificarile si completarile ulterioare;

5. Legea nr. 247/2005 privind reforma În domeniile proprietatii si justitiei, precum si unele masuri adiacente -TITLUL X Circulatia juridica a terenurilor; "
6. Legea cadastrului şi a publicității imobiliare nr. 7/1996, republicată.
7. Constituția României;
8. Codul de Procedură Civilă;
9. Codul civil;