AGRICULTURAL LAND MANAGEMENT BY CARRYING OUT THE FIRST REGISTRATION WITHIN THE LAND REGISTRY

MANAGEMENTUL TERENURILOR AGRICOLE PRIN EFECTUAREA PRIMEI ÎNSCRIERI ÎN CARTEA FUNCIARA

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

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

Abstract: *The first registration within the Land Registry refers to all buildings located in the Old Kingdom of Romania and in some cases the buildings located in the Banat, Bukovina, Transylvania, aiming mostly buildings located outside city limits that have been subject of special laws for restitution as well as the buildings that due to a specific technical situations can not be operated in the old land books. The first enrollment represents a modern technology solution to provide technical status of the property according to the legal status.*

Key words: *first registration, cadastral plan, real estate, Land Registry*

INTRODUCTION

One criteria for evaluating the effectiveness of a particular estate advertising system could be the simplicity and clarity of legal regulations in it. Unfortunately, there is not the case of land books. They are characterized by a complex normative, partly due to the historical sequence of events, partly due to ignorance of modern legislature. Thus, the simple question what law (sensu lato) shall apply in the land books, the answer is as not easy.

Chronologically speaking, the last statutory dates from 2005 and substantially alters L: 7/1996, the latter normative act which is intended to replace DL 115/1938.

If we leave the figures aside, it should be noted that the system of real estate advertising books land was originally specific only in Transylvania, subsequently it was extended, at least normative to the whole territory of the country. Extension was based on the superiority of land books, in regard to the system registers, but was more like a goal than an achievement effectively. In addition, efforts to expand the land-books began practice in 1933, failed to produce both the establishment of a unique real estate advertising in Romania, as the emergence of intermediate advertising, which combines features of books and land registers. Today, you could say that real estate advertising system is unique only to the extent that assume that L: 7/1996 applies throughout Romania, which is correct. But, on the existence and operation, we find that it is eclectic, composed of different regional systems of advertising, subject to various regulations. You might note that we find ourselves in legislation transition: to effectively unify real estate advertising system based on L: 7/1996, are also applicable and other normative acts.

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 procedure for assigning of cadastral numbers to real estate plot plan in order to enter in the land book.

The present procedure determines how the reception plans of cadastral parcel number assignment of buildings located in extravilan returned under the Land Law no. 18/1991, republished, with subsequent amendments, Law no. 1/2000 for restoration of property rights on agricultural land and forest land required under the provisions of Law no. 18/1991 and Law no. 169/1997, modified and supplemented, and Law. 247/2005 concerning property and justice reform and some related measures, with changes and completions.

In order to trigger the procedure laid to prepare a technical file for each field, which will include:

a) essay approved by the Director of Territorial Office confirming that the plot plan and technical regulations comply with the rules in force;

b) plot plan existing in territorial office archive;

c) table plot containing the field order of real estate and of cadastral related issues;

d) files. hp for buildings that were not assigned to cadastral numbers.

After compiling the technical file the cadastral numbers will be assigns to the real estate that were not assigned to cadastral numbers.

The technical file completed with the proof of sending to the town hall of documents referred to b) and c) the copy shall be filed with the territorial office, in order to enter the real estate in the land book, by the owners request.

Procedure for assigning numbers is triggered when cadastral plot plan drawn up by persons authorized to request local and central authorities or other stakeholders in the law.

In order to assign the cadastral numbers shall be established a new plot plan at the territorial office:

The documents mentioned in paragraph. (1) will be used for specific

administrative activities and to inform owners to start individually, the procedure for registration in the land book.

Cadastral numbers will be assigned to include properties which are based on the protocol of release issued under the laws of property ownership.

Ownership titles which shall be issued in accordance with the laws of the land, based on cadastral plot plan received numbers assigned to become a cadastral plan, shall be entered in regestry in the land register, before they are sent to the owners.

As an exception to the reception of the cadastral documentation for properties in extravilan where there is no plot in the archive plan territorial office or city hall it will be replaced with a "plan of engagement in the", which are represented within the field, within properties that have cadastral numbers previously assigned, within the property in question and any other details fixed in the field.

Admission Plan in the field will be drawn up in analogue and digital form, it will be signed by the person authorized by the owner or holder of legal and endorsed by the local chairman of the land.

The layout and demarcation drawn will be labeled "Property registered in the cadastral plan without definite location due to lack of plot plan".

Entry "Property registered in the cadastral plan without certain location due to lack of plot plan" shall be marked in regestry in the land book.

The owner shall give a solemn declaration that he was informed of the consequences of subsequent lack of plot plan.

The territorial offices will provide the authorized persons, free of charge, to request for information under the following:

a) within the field in. dxf, determined by measurement (if the archive) or digitized on orthophotomap;

b) the properties geometry of the previously received in. DXF

c) list of property titles relating the field.

Analog information provided by regional offices will be attached to the application of reception and registration in the land book. "

CONCLUSSIONS

Tabular right or the right to real estate advertising includes all the legal rules of material law and procesural having to regulate social relations arising in connection with registration in the land book of the real rights, the personal rights, acts and legal facts about the status and legal capacity persons, actions and remedies in court and blocking measures in relation to the buildings included in the land book.

The instrument or the technical support is represented by real estate advertising in the land register, ie writing or authentic document prepared and administered by state bodies specifically designated by law. Including a description of specific actual property rights and shows that have as their object the real estate, and legal documents and facts regarding the personal rights in the state and capacity of persons and other legal relations in connection with property registered in the land in question.

Currently, real estate advertising, based on the general cadastre system is carried out by county offices of real estate Cadastre and Land Registration subordinated to the National Agency for Cadastre and Land Registration (ANCPI), for real estates located within range of their activity.

Individual land books, drawn and numbered on the territory of each commune, make up the cadastral register of real estate advertising of this territory, which is held by the territorial office of land and real estate advertising - unit without legal personality in the office in whose territorial jurisdiction of activity is located the real estate. This registry is not a register itself, but a purely formal unity, ie a collection of books open and functioning land register is completed with an entry, the cadastral plan, the land registry of the properties, indicating the number of the properties and land number of the land books are included, with an alphabetical index of owners and a folder in which to store applications for registration, together with a copy of documents certifying the legal acts or deeds subject to registration.

REFERENCES

1. **ALEXANDRU ȚIFREA**, Armonizarea cadastrului cu publicitatea imobiliară, RevCAD – Revista de cadastru;
2. **DANIEL-MARIUS COSMA** – Cartea funciara, Procedura de lucru, Organizarea birourilor teritoriale, Editura Hamangiu, Bucureşti 2007;
3. **CRISITINA CUCU** – Legislația cadastrului şi a publicității imobiliare, Comentarii şi explicații , Ediția 2, Editura C. H. Beck, Bucureşti 2007;
4. **GHEORGHE NOVAC** – Cadastru, Editura Mirton, Timisoara 2009;
5. **MIRCEA MICLEA** – Cadastrul şi Cartea funciară, Editura ALL, Bucureşti 1995;
6. **MARIAN NICOLAE** – Tratat de publicitate imobiliară, Vol. I, Introducere în publicitatea imobiliară, Universul Juridic, Bucureşti 2006;
7. **MARIAN NICOLAE** – Tratat de publicitate imobiliară, Vol. II, Noile Cărți funciare, Universul Juridic, Bucureşti 2006;
8. *** Legea cadastrului şi publicității imobiliare nr. 7/1996, modificată şi republicată, M. Of. Nr. 201/3 martie 2006