



PROPERTY REGISTRY. CREATION AND CONTENT

Mirem Niyazi-Yusuf

*FACULTY OF TECHNICAL SCIENCES, KONSTANTIN PRESLAVSKY UNIVERSITY
OF SHUMEN, SHUMEN 9700, 115 UNIVERSITSKA STR.*

E-mail: m.niyazi@shu.bg

ABSTRACT: *The property register is a data system for real estate on the territory of the Republic of Bulgaria and consists of the lots of individual properties. It contains the acts that recognize, transfer, amend or terminate the right of ownership or other real right to real estate. The foreclosures and mortgages of NI are included in the property register.*

The register shows the status of the specified circumstances after the last entry and makes it possible to follow chronologically the changes in the entered circumstances, as well as the entered acts.

In the Property Register inquiries can be made about the ownership of the properties, the owners and the real rights and restrictions on them. Inquiries in the register can be made on-site at the registration offices in the country or via the Internet after payment of a fee specified in the price list and registration of the user.

KEYWORDS: *The property register, Inquiries, cadastro*

1. Introduction

The property register is created, maintained and maintained by the Registration Agency in accordance with the Law on Cadastre and Property Register and Ordinance No. 2 of April 21, 2005 on the maintenance and storage of the property register.

The creation of the property register is by judicial district in accordance with a long-term program, according to Art. 94, para. 2 of the Law on Cadastre and Land Registry, which expired in 2014, and at the moment there is no one published on the website of the Registration Agency.

2. Creation of a property register

The procedures for creating the property register for each judicial district shall be opened with an order by the Minister of Justice in compliance with the program of art. 94, par. 2 [1].

In the order shall be pointed out the judicial district and the schedule of preparation of the property lots by the separate regions according to art. 35, par.2 of the Law on Cadastre and Land Registry as well as the recordation judge shall be determined.

After issuing the order, in the case of a real estate transaction:

1. the registration office enters the information in the lot under Art. 65, para. 3 [1] and the registered acts with the documents attached to them in the electronic batch file;

2. the entry judge simultaneously with the entry checks the content, the identity of the electronic form with the paper medium, signs the lot under Art. 65, para. 3 [1] of the property and records its number in the deed subject to registration.

The registration office provides in digital form to the geodesy, cartography and cadastre office the lots under Art. 65, para. 3 [1] to specify the cadastral map and data on ownership and other real rights in the cadastral register of real estate, as well as to give identifiers.

After the entry into force of the order under Art. 49a, para. 3 [1] and after the approval of the cadastral map and registers for the relevant territory, the Minister of Justice issues an order announcing the introduction of the property register for the territory. The order is published in the "State Gazette".

3. Contents of the property register

The lot of each immovable property shall comprise of the following five sections:

1. Section "A" - for the property;
2. Section "B" - for recognition, ascertainment and conveyance of the right of ownership and for the owner;
3. Section "C" - for establishment and conveyance of other real rights and for the legal facts and circumstances, subject to recordation, except those under it.4 and it.5;
4. Section "D" - for mortgages;
5. Section "E" - for interdictions.

In section "A" of the lot shall be recorded:

1. the identifier;

2. the type of property - landed property, building, or self-contained object in a building;
3. the address;
4. the boundaries of the landed property (the identifiers of the abutting properties - or the self-contained object in a building - condominium, respectively);
5. area in square meters or in decares;
6. designation of the property;
7. number of floors of the building;
8. the circumstance under art. 67, para.2 of the Law on Inheritance.

In section "B" of the lot shall be recorded:

- 1.name, "EGN" (i.e. Unified Citizen's Number) or other identification number, address - for any owner - individual;
- 2.name, organizational form, seat and code under the Unified state register of the economic objects in the Republic of Bulgaria or other identification number - for any owner - corporate body;
3. name, organizational form, seat and code under the Unified state register of the economic objects in the Republic of Bulgaria or other identification number of the state corporate body to which has been conceded the management - for the immovable properties - state property.
4. name, organizational form, seat and code under the Unified state register of the economic objects in the Republic of Bulgaria or other identification number of the organizations or juridical persons on municipal budget upkeep, entrusted pursuant to the routine under art. 12, para.2 of the Law on Municipal Property with the free stewardship and management - for any immovable property - in municipal ownership;
5. name and code under the Unified classifier of the administrative - territorial and the territorial units - for any immovable property - in municipal ownership;
6. the court, the type of register and the number of volume and lot - for local juridical persons registered in a court register and for foreign juridical persons, that have registered a branch in the Republic of Bulgaria;
7. code under the Unified state register of the economic objects in the Republic of Bulgaria or other identification number - for local and foreign juridical persons, that have no court registration;
8. type of ownership - private or public;
9. in case of co-ownership - the undivided shares (fractions), as well as the data about the co-owners, or else in case of matrimonial joint ownership - the data about the spouses;

10. the act/deed from which the owner's right stems;
11. the number and date of notary act/deed or other act under art. 112 of the Law on Ownership, subject to recordation, as well as the date of recording;
12. the claims under art. 114 of the Law on Ownership;
13. the circumstance that the act/deed under it.11 is under caveat or for a term.

In section "C" of the lot shall be recorded:

1. the type of right;
2. the subject vested in the right;
3. term, should the right be for a term;
4. the act under art. 112 of the Law on Ownership, subject to recordation;
5. the claims under art. 114 of the Law on Ownership;
6. contracts, subject to recordation;
 - a) type of contract;
 - b) date of conclusion, parties and subject-matter;
 - c) the circumstance that the contract was concluded under caveat or for a term.

In section "D" of the lot shall be recorded:

1. type of mortgage - statutory, contractual, or for a collateral to a court;
2. type, number, date and issuer of the act/deed, on the grounds of which the recordation was effected;
3. amount of the receivable, for the securing of which the mortgage was established - principal, interest, expenses;
4. due date;
5. the mortgagee - respectively, with the data about him, indicated in art. 61., para.1 [1];
6. the mortgagor - respectively, with the data about him or about the person for whose debt the mortgage was established, should the latter be other than the owner, indicated in art. 61, para.1 [1];
7. changes of the receivable;
8. the crossing-out of the mortgage and the grounds;
9. the circumstance that the contract was concluded under caveat;
10. renewal of the mortgage.

In section "E" of the lot shall be recorded:

1. type of interdiction - general or for a separate property;
2. number and date of the act for imposing the interdiction and the body that imposed the interdiction;
3. number and date of recordation of the interdiction;
4. amount of the secured sum;

5. crossing-out of the interdiction and the grounds.

The lot shall be kept for immovable property having an identifier. Each lot shall have an independent number. Until the entry into force of the order under Art. 73 [1] property lot with the content under Art. 59 - 64 [1] is kept regardless of whether an identifier has been created for the property.

Until the issuance of an order under Art. 70 [1] The Registration Agency prepares an electronic batch with the content under Art. 59 – 64 [1] and electronic batch file for each entry, marking or deletion of an act under Art. 110 - 115 of the Property Act concerning property with ID. The electronic lot is prepared on the basis of the existing personal lots with the available data according to the registered deed and the data provided for the property by the Agency for Geodesy, Cartography and Cadastre and has the meaning of an aid for the subsequent preparation of the property lots under para. 3 and under Art. 59 [1].

In case of partition of an immovable property, separate lots shall be opened for each newly established property, where the lot number and the cadastre identifier of the partitioned property shall be recorded.

In the lot of the partitioned property, the lot numbers and the cadastre identifiers of the newly established properties shall be recorded, and it shall be closed down.

Real rights, mortgages and other real encumbrances over the partitioned property shall be recorded in the newly opened lots.

In the lot of a property, being formed by amalgamation of properties, shall be recorded the lot numbers and cadastre identifiers of the properties forming it, as well as the real rights and the other real encumbrances over each of the properties.

In the lots of the amalgamated properties, the lot number and the cadastre identifier of the newly established property shall be recorded, and they shall be closed down.

The lot shall be kept on paper and on other data storage media. In case of inconsistency between the two records, legal action shall be ensued by the one kept on paper.

In a lot dossier shall be stored:

1. the acts/deeds that served as grounds for recordation;
2. the sketch of the property and the chart of the self-contained object in a building;
3. the documents under art. 72 [1].

The lot dossier shall bear the lot number.

4. Recordations in the property register

Recordation in the property register may be effected:

1. by request from an interested party or its representative;
2. by request from a notary in cases, envisaged in a law;
3. ex officio - in cases, envisaged under a law.

The application for recording shall be lodged to the recordation judge through the recording office. On the application shall be noticed the year, month, date, hour and minute of its lodging, and an incoming number shall be put down.

The recordation judge shall enact that a recordation should be effected, only after he has checked whether the requirements of the law - as well as of the prescribed by law format of the act/deed recognizing, ascertaining, establishing, conveying, modifying or terminating the real right - have been complied with.

5. Conclusion

The property register of the Republic of Bulgaria is public. Anyone may receive a verbal information about the recordings in a lot of an immovable property, a transcript or an excerpt from it, or a certificate for a recorded, or non-recorded circumstance in it. Inquiry in the property register and information excerpts from the lots shall be made only by separate properties.

Acknowledgments

This scientific article under project number RD-08-153/28.02.2023 „Programming of PIC and AVR microcontrollers“ is funded.

References:

- [1] Law on the cadastre and property register, 2000
- [2] Ivanova, Il., The cadastre in Bulgaria. Concept and execution, 2016, 199 pages, ISBN 978-619-90684-0-3
- [3] Concept for accelerated creation of cadastral map and cadastral registers and for speeding up the process of creating a property register, January, 2015
- [4] Ordinance No. RD-02-20-5 of December 15, 2016 on the content, creation and maintenance of the cadastral map and cadastral registers, 2017
- [5] <http://www.cadastre.bg/> - Geodesy, Cartography and Cadastre Agency