Some aspects on the difficulties to registration land agricultural in land book in zone Banat

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Abstract Lands of any kind, regardless of destination, the title upon which are owned or by public or private properties to which they belong, is the land of Romania.

The law defines ”holders” of land as owners of property, of the real rights over them or those who, under civil law, have the status of owners or holders. The occurrence of Law no. 18/1991 of the land resulted in the release of title deeds to vast areas of land as a result of massive restitution. How in Banat, Transylvania and Bucovina was in force Decree-Law no. 115-1938 to merge provisions on the entry in the land, real estate advertising achieved by these records, with the early 1990s came the need for a natural inclusion of those acts of ownership in the land.

Key words conversion, Land Registry, property titles, real estate

Registration in the land books shall in areas of application of Decree-Law 115/1938 was made based on topographic plan drawn up by the Austro-Hungarian administration in the western area since the mid nineteenth century. Following nationalization of agricultural land during the communist regime, old books open land on the outskirts of towns and topographical numbers were no longer proven useful, in the latter did not even made the nationalization to which I referred.

Considering that the communist period were made merges, were modified exploitation roads, were made land reclamation works etc., old configuration of plots could not be preserved, imposing extensive performing cadastral works. After these measurements were assigned new numbers to land, following reception of new planar, issues not recorded in that period in the land books, whose configuration does not overlap with the old topographical numbers.

Materials and Methods

Land Book law remains the same before the Revolution, the only legal title to property is tabulated - the new numbers were entered - the form was to be entered in the cadastral number title by its detachment from old topographic numerals, obtaining several adjacent parcels that were included in the same land book. There was no legal framework to register the new number in the first part of the book cadastral land registration was made all the numbers obtained from topographic dismantling.

Appearance of Law 7/1996 of the cadastre and real estate advertising was a turning point in how the tabulation of the city real estate. Normative act provided in art. 61:

Article 61. - Legal acts and deeds on land and buildings located on an administrative territory for which no documents have completed general survey will be included with an interim basis nature in the one book of land registry, while the final entry is made in implementing general cadastre from within that territory. The same conditions will be included and property titles issued under the Land Law no. 18/1991. To the application for registration will be attached a drawing plan of the land or building referred to the registration, written by a technical specialist authorized by the county office of cadastre, geodesy and cartography. The sketch plan shall include the configuration of land parcels or buildings, surfaces, categories of use, quality standards of land, elements for specifying the place where property is located, date of preparation and name of person who completed the sketch.

Cadastral measurements made in the enforcement actions of the Land Law no. 18/1991 and registered as such in cadastral documents and title deeds are taken as final data of the cadastre for the respective administrative territory, if they meet methodological norms of surveying elaborated by the National Office of Cadastre, Geodesy and Cartography. The technical cadastral work underlying the release ownership titles issued under the Land Law no. 18/1991, where they were not prepared and passed.
The Law stipulations 7/1996 but not implemented at the time of publication in the Official Gazette as law, as you can see from reading that article, the law clearly specifies that numbers old cadastral are no longer part to be taken into account for tabulation. Moreover, the legislative act provided in art. 72 that "On completion of works and cadastral records real estate advertising throughout the administration of a county shall cease to apply (...) Decree Law 115/1938". Such general cadastral works have started in those territories, was found that Law 7/1996 is not applicable for tabulation in the old land books.

**Results and Discussions**

In the application of Law 7/1996 led to the adoption in 1997 Regulation Organization and Functioning of Land Registry offices of the courts, adopted by the Minister of Justice no. 2371/1997, which provided the art. 13:

"In all cases where registration is required in a land book with an interim basis nature of a real right, it may resort to the procedure laid down in Art. 61 of the Act as land registry offices and those of advertising, where transcription and Registration scheme applies.

For the admission of an application will be considered:
1. cadastral plan identification documents, if any;
2. document proving the legal act or fact of acquiring or establishing legal title or legal title issued;
3. sketch plan of the property prepared by an expert authorized by the territorial office and approved by the same office.

Admission for the non-final registration, without the cadastral number, the land registry office will assign an identification number consecutively in the order of records for each parcel of land on the territory of the same settlement. Identification number remains unchanged until the award of a new cadastral number, with the completion of the cadastral works for the rural municipality or city administrative territory.

Other provisions of this regulation on the procedure for registration and land book records will be strictly followed.

The conclusion of land registry judge, to accept or reject, is subject to appeal their common law judicial proceedings referred to art. 52 of the Law.

After a final and irrevocable conclusion, operation of an interim registration shall notify the territorial office in order to be taken in the final cadastral works for the rural municipality or city administrative territory."

Since the birth of the regulation on registration of property titles issued outside the city under Law 18/1991 has been dismantling operations performed by the old topographical numbers. But the new way of working has become in practice the land book offices gradually, depending on the particular cadastral plans of each county.

A clear procedure for registration in the land of these buildings was adopted only by Regulation 633/2006 in its art. 60:

"(1) In areas of application of Decree-Law no. 115/1938 regarding the unification of land books, if the documents on the basis of which registration is required by the new cadastral number indicates the property will require the person authorized by completing a paper file to perform a cadastral documentation received by the territorial office which to identify it properly surveying the number of existing land parcel in the book.
(2) If the building is not possible to identify par. 1, will be making entries in a land register, according to Art. 59 of the law.
(3) Failure to identify will be ascertained by reference by the registrar or assistant reviewer- archivist.
(4) For buildings located in extravilan, in areas covered by the Land Law no. 18/1991, of Law no. 169/1997 amending and supplementing the Land Law no. 633/2006 in his art. 60:
(5) For buildings mentioned in the preceding paragraph shall not be Land Registry extracts for authentication."

**Conclusions**

Different ways of registration of real estate in the land have resulted in the emergence of difficulties when converting the land books, in e-terra II program, now used by local offices of cadastre and real estate. Among other features that the digital system offers one of the software features is why the entry way to ensure uniformity throughout the country. In this regard, it had to be interpreted including the foundation concepts that the law uses. First show that current legislation be entered in the land and is building a of land registry enroll a single building.

Regarding the notion of "property", we show that by implementing the Law 7/1996 it was not legislated for this term than in the Civil Code, with reference to real estate. The land book was written before "the cadastral parcel", regulated by Decree-Law 115/1938 notion that differed fundamentally from that of "property".

Law 7/1996 defines the art building. Article 1. 5:

By building the purposes of this law, means one or more adjacent parcels, with or without construction, within a territorial administrative unit, regardless of category of use, belonging to an owner or several owners, if co-ownership, which is identified by a unique cadastral number and entered into a land registry.
In order to harmonize the legal provisions that have reminded above, the operation of converting the land books, was regarded "property" land identified by the number written on the title, so a group of topographic numbers and not numbers topographic obtained by breaking in the manner shown in the present paper, numbers in the current legislative framework, no longer have any practical significance. In recent years proceeded even at a substitution of numbers of old topographical cadastral numbers provided by local offices of cadastre and real estate.

References

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Purchasing agricultural land in Russia guarantees 12-30% income per year. However, the sales transaction involves some difficulties. According to the Russian law, registration of an agricultural plot by foreign citizens is impossible. But you can do the following: Open a legal entity in Russia, and it will legally acquire land with our help; Buy the current agricultural business in Russia with the land (you can buy a company that has nothing but agricultural land); Rent land from the state for 49 years. In each case, there occur some nuances. The lawyers of our company will help to deal with t