



SECTION "C" GUIDELINES

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ELRD: the TEMPLATE



Set of legal data

Coming from LR systems (our highly regarded diversity)

Structure

- For organizing data
- For facilitating Semantics

Semantics

- Finding relevant placeholders is a key of this project
- Integrating core vocabularies



Conclusions on Section "A"

- Structure: connecting factor
 - 1. LR Unit—Property
 - 2. LR Unit—Property—Cadastral parcel
 - 3. LR Unit—Property—Apartment
 - 4. LR Unit—Special property
 - 5. LR Unit—Property rights
- Elements of information
 - Minimum common denominator: ID and Location
 - Levels: basic, supplementary, extended
- Relevant placeholders:
 - For instance, LR Unit

Conclusions of Section "B"

- STRUCTURE
- Title? Main right?
 - Ownership
 - Communities
- 2. Information on proprietors and their entitlement
 - Act or contract of acquisition
 - Deed
- 3. Restrictions
 - Restrictions on the persons of the owners (e.g. insolvency)
 - Conditions on entitlement
 - Deadline
- 4. Price of acquisition
- RELEVANT PLACEHOLDERS

Approach on Section "C"

- Set of legal data
 - Immovable property rights, encumbrances or charges of the LR systems of MMSS
- Structure
 - possible subdivision or substructure for a better organization of ELRD
- Semantics
 - relevant placeholders [encumbrances, property right or right in rem, mortgage, caveat, priority]

GUIDELINES

- For preparing an efficient questionnaire on Section "C"
- For finding a structure as flexible, useful and logical as possible
- Focused on the main encumbrances or property rights registered in each Land Register system

1st Guideline: classification?

- Establishing a classification or ranking of the different kinds of property rights or charges to be included in Section "C"
- □ Or not

Advantages:

- It would be helpful for purposes of Semantics (in IMOLA project Semantics appears as a particularly relevant issue and also for e-Justice plans)
- □ It would clarify and enhance structure of Section "C".

Disadvantages:

- Some more complexity
- Semantics would appear more difficult to work.
- Do without it would equals no order in "C"

2nd Guideline: (if so) finding categories

Proposals of classification or division of "C" according to certain categories (boxes) so as to facilitate that different property rights can be included in one of them

(Possible categories)

- Security rights
- Use rights
- Pre emption rights
- Management rights
- Caveats (judiciary charges)
- Fiscal burdens
- Conditions?
- Restrictions to disposal (not judiciary)
- □ What else? —It's an open list at the moment—.

ELRN Contact Points task

- Providing a <u>list</u> of immovable property rights or charges more frequent in LR information
- Placing them within each one of the <u>categories</u> of the division of Section "C"

Security rights	Caveats
Mortgage	Seizure

3rd Guideline: dealing with part free

Adding part "free" appears useful for covering other property rights or charges or limitations unfit for purposes of those predetermined categories

- Ideally we should prevent from including in part free those property rights or charges whose nature enables classification in one of the categories or boxes, saving part free for those what can't be placed into such categories.
 - For purposes of Semantics, part free involves more problems

4th Guideline: subdivision into categories

Searching further subdivisions within the categories of property rights.

- Making more precise classification if nature of rights or burdens enables to do it
- For instance, in previous ELRA or ELRN researches we have considered basic subcategories within caveats or judiciary charges:
 - Judiciary attachment
 - Seizure
 - Claim or dispute on properties
 - Prohibition of disposal
 - Others

5th Guideline: information of each charge

Developing suitable information on each mortgage or charge included. What extent?

- It would depend on the nature of charge it were and also on LR systems responses
- For instance, some data relevant for information on mortgages to be considered:
 - Sum of money guaranteed
 - Basis of obligation guaranteed
 - Deadline of obligation and/or the mortgage
 - Name of the mortgagee or creditor/ name of the mortgagor or debtor
 - Deed in which mortgage was granted

6th Guideline

Managing **priority** of registered property rights.

- Which way is priority indicated in national extracts
- If priority is decided by date of registration or not as a general rule
- If LR systems admit that priority of registered property rights can be altered by agreements of parties
- Way of reflecting priority on ELRD from the experience gained from national excerpts

7th Guideline (Semantics)

Suggesting and determining relevant placeholders of Section "C"

Thank you very much for your attention



