

IMOLA for Deed Systems

The Italian System

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4th IMOLA Seminar
Cracow, 15th – 16th October 2015

**This presentation aims to deepen
how the IMOLA template could
work in the Italian LR system**

According to the Civil Code rules, anyone who asks for the transcription of a deed, or the inscription of a mortgage, has to submit to the Registrar (*Conservatore dei Registri Immobiliari*):

1-The Title (the deed, the claim, the judicial decision, and so on)

2-The Notation (that is a computerized model called MODELLO UNICO, by which relevant information, related to the deed, are registered in the electronic register.

If I am interested in searching a property in Italy I have to know, at least

1- The name of the owner:

If the owner is known in the D.B, The information system will return a list of all existing "formalities" (*Trascrizioni, Iscrizioni, Annotazioni*) registered "in favor" or "against" that person.

. SS 117329 del 2015
e: AGOSTINA sesso
OS (SS) il 21/07/1
.

I can see
the list in
order to
choose the
interested
deed

17
formalities
listed

Stampa pre-automazione: **no**

Note visualizzate: 17

Ordin

Ordina per data

ZIONE A FAVORE del 17/04/1980 - Registro Particolare 2922 Registro Generale 3557

A VIVI - COMPRAVENDITA

siti in ALGHERO (SS), CODRONGIANOS (SS)

onibile in formato immagine

ZIONE CONTRO del 15/04/1987 - Registro Particolare 3050 Registro Generale 4309

A VIVI - COMPRAVENDITA

onibile in formato immagine

ZIONE CONTRO del 28/04/1993 - Registro Particolare 3636 Registro Generale 5363

ufficiale MANIGA GIOVANNI Repertorio 100404 del 19/04/1993

A VIVI - COMPRAVENDITA

siti in CODRONGIANOS (SS)

onibile in formato immagine

Visualizza Note

Stampa Elenco

Stampa Note

Documenti Correlati

Scarica Titolo

Indietro

But, if I'm searching a specific property in order to know if it is free of encumbrances or property rights or mortgages, it is better to know also:

2- The cadastral ID of the property

LODDE

Nome

AGOSTINA

SS

Comune

CODRONGIANOS

21 / 07 / 1957

Sesso

Femmina

☒ Ampliata

☐ Per omocodice

ata: lunghezza nome e cognome

Uguale

delle formalità

non rinnovate o cancellate

a di restrizione per dati gli immobili fornirà solo i soggetti le cui formalità contengono immobili

dati degli immobili

SS

Comune

SASSARI

Fabbricati

Sezione censuaria

nitivo

☒ Identificativo provvisorio

Tipo denuncia

Numero

Anno

Foglio

109

2298

14

UFFICIO PROVINCIALE DI SASSARI - TERRITORIO
SERVIZIO DI PUBBLICITA' IMMOBILIARE

FINE GIORNATA

ISPEZIONE

CERTIFICATI

PRE-AUTOMAZIONE

PROTOCOLLO

COMUNICAZIONI

MANIGA FISICA

PERSONA GIURIDICA

IMMOBILE

NOTA/TITOLO

PUBBLICO UFFICIALE

Ispezione uso ufficio

Persona fisica
Municipale: SASSARI

Richiesta

Richiesta n. **SS 117329** del **2015**Cognome Nome: **AGOSTINA** sesso **Femmina**Nascita: **FRONZANOS (SS)** il **21/07/1957**

Note

Only 1
notation
detectedPre-automazione: **no**

Note visualizzate: 1 (Selezioni effettuate: 1)

[Ordina per tipo nota](#)[Ordina per data](#)

TRASCRIZIONE A FAVORE del 09/11/2007 - Registro Particolare 12459 Registro Generale 19472
Pubblico ufficiale MANIGA GIOVANNI Repertorio 250274/21044 del 30/10/2007
ATTO TRA VIVI - COMPRAVENDITA
Immobili siti in SASSARI (SS)
Nota disponibile in formato elettronico

[Visualizza Note](#)[Stampa Elenco](#)[Stampa Note](#)[Documenti Correlati](#)[Scarica Titolo](#)[Indietro](#)

CONCLUSIONS ON SECTION “A” OF THE TEMPLATE

“The connecting factor for a template, and consequently the object of it, should be the Land Register Unit (LR Unit).”

In the Italian system the LR unit is identified by the Cadastral ID

The LR unit, is strictly linked with the subject indicated in section «C» of our model.

It is also possible to find in the same line of the section «C» of the electronic model a different situation called «*unità negoziale*», including more L.R.UNITS.

The reason for this grouping is that more properties have been negotiated by the same subject, for the same right and the same share, in a single deed.

Apart from Cadastral ID and location,
we could add new branches according to the
basic nature of the LR Units

LR Unit—Property

- Nature (building, building site, plot...)
- Land use
- Size (metric system preferably)



SECTION B

Basic content of the information covered by Section “B” has to fulfil specific conditions and be aimed to:

- a minimum common denominator,
- sufficient data to ensure identification or identity of owner,
- sufficient data to mean the extent of the ownership.

Deep down, it involves being flexible so as to embrace as many systems and practices as possible. Depending on the data available in each LR system, overall the Section “B” should fulfil its goals. So, Section “B” should include the following data categories—at least—:

- Kind of ownership (1)
- Information on proprietors (2) and their entitlement (3)
- Restrictions (4), conditions (5) even deadline (6) which fall on the ownership or the persons of owners
- Price (7)

In the section C of our electronic model we can find some information:

- 1-Kind of ownership: *Proprietà per l'intero(1/1)*
- 2- Information on proprietors : *(in favore di CHESSA DOMENICO, coniugato in regime di comunione legale)*

Sezione C - Soggetti

A favore

Soggetto n. 1 In qualità di ACQUIRENTE

Cognome CHESSA

Nome DOMENICO

Nato il 19/06/1962 a SASSARI (SS)

Sesso M Codice fiscale CHS DNC 62H19 I452 C

Relativamente all'unità negoziale n. 1

Per il diritto di PROPRIETA'

Per la quota di 1/1

In regime di COMUNIONE LEGALE

Contro

Soggetto n. 1 In qualità di VENDITORE

Cognome LODDE

Nome AGOSTINA

Nata il 21/07/1957 a CODRONGIANOS (SS)

Sesso F Codice fiscale LDD GTN 57L61 C818 O

Relativamente all'unità negoziale n. 1

Per il diritto di PROPRIETA'

Per la quota di 8/24

In regime di SEPARAZIONE DI BENI

Soggetto n. 2 In qualità di VENDITORE

Cognome LODDE

Nome MARIA CARMELA

Nata il 23/08/1947 a SASSARI (SS)

Sesso F Codice fiscale LDD MCR 47M63 I452 S

Relativamente all'unità negoziale n. 1

Per il diritto di PROPRIETA'

Per la quota di 8/24

In regime di BENE PERSONALE

Soggetto n. 3 In qualità di VENDITORE

Cognome LODDE

Nome LUIGI AGOSTINO

Nato il 19/04/1980 a SASSARI (SS)

Sesso M Codice fiscale LDD LGS 80D19 I452 D

3-...and their entitlement:

Information on what supports the right
of the owner:

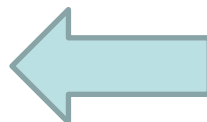
From the section A of the electronic model

Sezione A - Generalità

Relativi al titolo



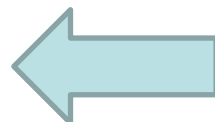
ATTO NOTARILE PUBBLICO
07/12/2012
PORQUEDDU ANDREA
SORSO (SS)



Numero di repertorio 13613/10215
Codice fiscale PRQ NDR 74D28 A192 W

Relativi alla convenzione

ATTO TRA VIVI
112 COMPRAVENDITA



Relativi alla convenzione

Relativi alla convenzione

4- Restrictions:

There are no restrictions in the Italian LR system on owner's powers to disposal.

One can eventually find them in the deed or in the section D of the notation (free part).

5. Conditions

Information about conditions affecting the ownership :

- Condition antecedent or suspensive
 - Condition subsequent or resolatory
- is included in the section A of the notation, if present.
A description of it should be contained in section D (Free part).

SECTION C OF THE TEMPLATE

In a personal folio based system all encumbrances, property rights, liens and so on, are registered, according to the deed, in favor of the person that acquires the right and against the person that “looses” it.

For mortgages and preemption rights (*Privilegi*) there is a specific register, with constitutive value, where mortgages and preemption rights are registered, against the person of the mortgagor/ debtor and in favor of the mortgagee/ creditor.

From the point of view of the content, the substructure for Section “C” would be:

1. Mortgages
2. Property rights
3. Judiciary restrictions
4. Other restrictions

1. MORTGAGES

As above said, a specific Register for mortgages and pre-emption rights is in force in Italy.

2. PROPERTY RIGHTS

According to art. 2643 of the Civil Code the main deeds that can be registered, in addition to the ones transferring property, are:

- deeds creating, modifying or transferring usufruct, superficie, enphiteusis rights;
- deeds creating, modifying or transferring building rights;
- deeds creating or modifying easements, use or habitation rights;
- in the enforcement, acts transferring property rights or other legal rights on property;
- rents lasting more than 9 years;
- mediation agreements stating usucapion with subscription of the minutes certified by an authorized public officer;
- transactions concerning disputes about the above mentioned rights;
- judicial decisions establishing the creation, transfer or modification of one of the above mentioned rights.

The other articles of the Civil Code providing the registration of legal rights are the following:

- 2645-bis: preliminary contracts concerning the future drawing of some of the above listed deeds;
- 2645-ter: public deeds stating the destination, for a period not longer than 90 years or life lasting, to satisfy worthy interests of handicapped persons, public administrations, or other entities or physical persons.
- 2645-quater: all the deeds creating public restrictions for the benefit of State, local bodies, or other public services managing institutions.
- 2646: division deeds and judicial decisions concerning the division of properties in the proceedings for the assignment through auction.
- 2647: deeds ruling the marital agreements and their modifications.
- 2648: deeds concerning the acceptance of inheritance or legacy.
- 2649: transfers of properties by the debtor to his creditors.

Moreover, it is necessary to register the **claims** listed in the art. 2652 and 2653 of the Civil Code, including, for example:

- claims to terminate contracts and to revoke donations;
- claims asking for the execution of a preliminary contract;
- claims asking for the judicial verification of the signature in private documents including an agreement subject to registration;
- claims aimed to verifying simulation in documents subject to registration;

.....

....

- claims asking the revocation of deeds subject to registration that were detrimental for creditors;
- claims aimed to declare the invalidity of deeds subject to registration and claims contesting the validity of registration itself;
- claims contesting the foundation of an inheritance or a legacy;
- claims to reduce donations and last wills in violation of the rules concerning legitime;
- claims for property rights or other legal rights on property;
- claims to terminate communion between spouses;
- deeds and claims interrupting the usucapion period.



3. There are two kinds of **judicial decisions** that must be registered with constitutive effect:

- the foreclosure (art. 555 Civil Procedure Code)
- The conservative seizure (art. 679 Civil Procedure Code).

Finally, there are the decisions declaring the prescription or the usucapion of some of the rights listed in art. 2643.

The information on mortgages, property rights, judiciary restrictions, claims and other restrictions can be obtained, in the Italian System, by searching the transcriptions or inscriptions «against» a specific subject in relation with a specific object.

In conclusion, we can say that the entire Part C of the template could be fulfilled with the formalities resulting “against” the interested person in relation with the interested property.

Thank you for your kind attention